THE CATHOLIC RULE OF LIFE

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An Historical and Practical Exposition of the Precepts of the Church

BY THE REVEREND
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PREFACE

An Anglican book on the "Precepts of the Church" is open to some rather obvious criticisms.

It may be said that the whole idea of any fixed set of precepts is a Roman, or rather a purely Latin, one. This criticism may seem to be borne out by the amount of space devoted in the ensuing pages to the consideration of Latin canon law and moral theology. It may, however, be answered that on any showing our own canon law and moral theology are based on Latin authorities to begin with, however much or little we may have subsequently diverged from them. The post-Reformation period of the English Church is only a small part of its complete history. There is continuity of canon law, however ill it may have been observed. There is continuity of rite and sacrament, however much it may have been obscured. In some respects it is only too true that our traditions have suffered a *de facto* breach. This is the case with regard to the devotional and ascetic tradition. Until the beginning of the Catholic revival, our devotional practice lagged far behind our formularies. In the attempt to revive this, it was inevitable that we should look with interest and respect at the actual developments of religious practice in the Latin portions of the Catholic Church during the period of three and a half centuries which have passed since our separation. In some points that practice may have been overmuch

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affected by the existence of an autocratic Papacy: but on the whole it is difficult to deny that it represents a real advance on the one hand in spirituality, and on the other in practical adaptation to modern needs. We have much to learn from the Latins.[1]

Again, it may be said that the whole genius of Anglicanism is opposed to any such rigid regulation of religious practice, whatever its source or authority. It is no doubt true that Anglicans are less amenable to external discipline than Latins; and moreover that the English canon law has not been touched for 330 years, and that some of it is obsolete: but the Precepts of the Church do not deal for the most part with the detailed arrangement of ecclesiastical discipline, but with its broader principles. It is true again, as is pointed out in this volume, that the authority of the Precepts is not in every point so clear, definite, and binding for us as it is for the Latins: but the general lines of obligation are, on Catholic principles, identical. To stay away from Mass on Sundays, to neglect Holy Communion year after year, to defer Confession indefinitely when it is clear that we need Absolution, to refuse all guidance from the Church in the matter of mortification, are breaches of a Catholic order which goes far deeper than any disputes as to jurisdiction.

[1] It seems more accurate to use the word "Latin" rather than "Roman" in this connexion, partly because the practice of the Precepts is not greatly affected by the distinctively *Roman* Catholic doctrine of Papal Absolutism, partly because the Uniate churches maintain their own canon law. "Roman" is too narrow, or else too wide. In strictness the "Roman" Church should mean the Church in the city of Rome; in its wider and more popular use it includes all who are in communion with the Pope. It should be pointed out, however, that the word "Latins" denotes those who use the Latin rite and observe the Latin canon law: it has nothing to do with race.

Even if Anglican Catholicism is rightly somewhat more fluid in character than Roman Catholicism, such things as these cannot be regarded as indifferent, or left unregulated.

My obligations to other writers are sufficiently obvious. I had written three-quarters of the book before becoming acquainted with Professor Villien's *Histoire des commandements de l'Église*; but a glance at the footnotes of almost any chapter will show the extent to which I have availed myself of this extraordinarily complete and learned work.

An "Anglo-Catholic" has recently been described as a member of the Anglican Communion who obeys the Precepts or Rules of the Church. Without wishing to assert the adequacy of this statement, considered as a definition, I should like to think that I had led my readers to agree that a true Catholicism does involve the loyal observance of the Precepts, and that a "Catholicism" which is content to be *pas pratiquant* is a very hollow and a very dangerous thing.

K. D. M.

Les dimanches messe ouïras,
Et fêtes de commandement.
Les fêtes tu sanctifieras,
Qui te sont de commandement.
Tous tes péchés confesseras
A tout le moins une fois l'an.
Ton Createur tu recevras
Au moins à Pâques humblement.
Quatre-Temps, Vigiles jeûneras,
Et le Carême entièrement.

Vendredi, chair ne mangeras,
Ni le Samedi mesmement.
Hors le temps nopces ne feras,
Payant les dîmes justement.
Les excommuniez tu fuiras,
Et dénoncés expressément.
Quand excommunié tu seras,
Fais toy absoudre promptement.

Quoted by Villien, *History of the Commandments of the Church*, English translation, pp. 1, 2, 16.

The first five distichs, Professor Villien informs us, are from the *Livre de Jhésus* which forms the second part of the *Compost ou Kalendrier des bergers*, 1491 or earlier. The sixth appears for the first time in a Paris catechism of 1667. The last three were added in some catechisms a few years later, but never attained the universality of the first six.

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CHAPTER I

INTRODUCTION

THE distinction between the Law of God and the Law of the Church is familiar. The former includes both the natural law[1] and positive Divine commands. "Thou shalt do no murder"; "What God hath joined together let not man put asunder"; "Do this in remembrance of me." All these are part of the Divine Law. On the other side are regulations which are purely ecclesiastical. For the most part these have varied at different periods of history. The most constant is probably that of the fast before Communion: but the bulk of the canon law is of this description. It rests for its authority on the fact that it has been promulgated by a competent lawgiver, individual or corporate, and it binds those who are subject to that authority.

But the phrase "Precepts of the Church" is commonly used to describe a group of regulations which for the most part fall between these two classes of law. It is clear that if the positive, or even the moral, law of God is to be enforced by the Church, some decision must be made as to the point at which a clear and definite breach of that law takes place. For example, our Lord

[1] "The natural law is superior to all other laws: it is primitive and unchangeable; it is the expression of the will of God; and all laws and constitutions, whether ecclesiastical or secular, which are contrary to the natural law are null and void" (A. J. Carlyle, paraphrasing Gratian, *The Return of Christendom*, p. 123).

said that we were to celebrate the Eucharist, and to fast; but He did not say when or how. It seems as though the Church must have something to say on these matters; and if so, although her commands may be in themselves merely ecclesiastical, the law which they subserve is Divine. If therefore the Church has authority to guide us in these matters, it seems clear that such directions are not to be received as though their subject matter was merely ecclesiastical. In making precepts of this character the Church asserts that to break them involves failure to observe the will of God.

In a sense, indeed, the whole of moral theology falls within the same sphere as the Precepts. For the object of moral theology is to render precise the Divine Law. "What exactly is X obliged to do under pain of sin?" is the characteristic question of casuistry: and casuistry is simply the application of the principles of moral theology to particular cases. But casuistical decisions rest on a lower authority than that of the Precepts. The latter rest, or are reputed to rest, on the authority of the Church; the former on that of a consensus of individual theologians.

Precepts of the Church may therefore be defined as "Interpretations of the Divine Law put forth by the authority of the Church."

It should be said at once that there is no authoritative list of such Precepts binding on the whole Church. The contents of the lists are no doubt of high authority, but their collection into lists is to some extent both arbitrary and variable. It is not merely, as in the case of the Sacraments, that the list has varied from time to time and the word been used with different significations. For the enu-

meration of seven Sacraments, no more and no less, has in fact been accepted by the whole Church (even though the Anglican Communion has deliberately reverted to a certain ambiguity on the point): and there is a real theological basis for this enumeration; Sacraments, and Sacraments only, confer what the schoolmen call "sanctifying grace." But in the case of the Precepts it is by no means so clear that these five or six, or whatever the number may be, and no others, are "interpretations of the Divine Law put forth by the authority of the Church." Yet it remains true that throughout the Christian ages special stress has been laid by authority on certain specified duties of the Christian life, and that these duties have tended to be grouped into short lists, and that these lists exhibit a remarkable similarity.

A.—Latin Authorities

In the seventh-century English Penitential of St. Theodore we find penalties enacted against those who fail to keep Sundays and fast days, and definite legislation as to the reception of the Eucharist.[1]

So in German books of popular devotion from the tenth century onwards there is stress laid on these same duties, and on the obligation to pay tithes.

The first occurrence of anything that looks like a set list occurs in Regino of Prüm, at the beginning of the tenth century. The Bishop is instructed to enquire at Visitation if anyone has failed to keep the fasts, to go to Communion at Easter, Pentecost, and Christmas, to pay tithes, to go to church on Sundays, or to go to Con-

[1] *Catholic Encyclopedia*, T. W. Melody, *s.v.* "Commandments of the Church."

fession once a year, namely at the beginning of Lent.[1] The occurrence of the last of these duties at so early a date is remarkable, when it is remembered that it was not for another three hundred years that the rule of annual Confession became binding on every member of the Western Church.

A more systematic treatment begins with the later middle ages. In the thirteenth century a tractate attributed to Celestine V. is devoted entirely to the Precepts. The list consists of five Precepts: to keep the fasts, to go to Confession, to receive Communion at Easter, to pay tithes, and to observe ecclesiastical interdicts on marriage.[2]

St. Antoninus of Florence (1439) gives a list of no less than ten Precepts: To observe certain feasts; to keep the fasts; to keep the days of abstinence; to go to Mass on Sundays and Holy Days; to go to Confession once a year; to receive Holy Communion, fasting,[3] at Easter; to pay tithes; to refrain from acts forbidden under pain of excommunication; to avoid the excommunicated; and to decline the ministrations of concubinary priests.[4]

By 1491 the idea of a fixed list had become so definite in France that it takes the form of a doggerel verse,[5] and it is even said that in this form it was recited at the Prône every Sunday morning.[6] The specified duties

[1] *Libri duo de synodalibus causis et disciplinis.* Quoted *ibid.* [2] *Ibid.*

[3] This appears to be the only instance of the inclusion of fasting Communion as a "Precept."

[4] *Summa Theol.* I. 17, p. 12. [5] Quoted on p. ix.

[6] E. Dublanchy, in *Dictionnaire de Théologie Catholique* (Vacant et Mangenot). A similar form of instruction was employed during the early days of St. Peter's, London Docks.

"Bacon, rabbit, soup, or suet
Touch not, or you're sure to rue it,"

is the only verse which remains in the writer's mind !

are: To hear Mass on Sundays and Feasts of Obligation; to go to Confession once a year; to go to Communion at Easter; to keep holy the Feasts of Obligation; to fast on Ember days, vigils, and during Lent.

To this rhyming list was added in the seventeenth century the obligation of abstinence on Fridays and Saturdays.

In 1557 we find the following list given by the Spanish canonist Martin Azpicuelta: To hear Mass on all days of obligation; to fast; to go to Confession once a year; to go to Communion at Easter; to pay tithes.[1]

St. Peter Canisius, about the same date, gives the same list, except that he adds the *observance* of feasts appointed by the Church as a separate Precept, and omits the payment of tithes.

Bellarmine (1589) introduces the Precept which forbids marriage at times prohibited by the Church, and particularizes the duty of abstinence on Fridays and Saturdays.[2]

The French and Italian canonists usually follow Bellarmine, but add to his list the duty of paying tithes: but the popular catechisms of the Counter-reformation period do not commonly include either this precept or the prohibition of marriage at certain seasons.

In Spanish America in the sixteenth century the Precept on Confession appears in a new form: To go to Confession once a year in Lent, and especially when in danger of death: and also in this case to communicate.[3]

In modern times all lists drawn up by Latin Catholic authorities include the hearing of Mass and the

[1] *Enchiridion sive manuale confessariorum et pœnitentium*, xxi., *n.* 1.
[2] *Doctrina Christiana*, vii.
[3] *Catechism of Christian Doctrine.* Approved by Synods of Lima and Mexico, 1585.

general sanctification of Sundays and Holy Days, yearly Confession, Easter Communion, Fasting, and Abstinence.

The Third Council of Baltimore in 1886, followed by Cardinal Vaughan and the English Roman Catholic Bishops, added to this list the obligation to contribute to the support of our pastors, and not to marry within the forbidden degrees of kindred, or to solemnize marriage at forbidden times. These fuller lists avoid going beyond the number of six by combining the duty of sanctifying Sundays and holy days with that of hearing Mass on these days and also by combining fasting with abstinence.

But the latest and most authoritative Roman Catholic list, that of the Catechism of Pius X., is content with five Precepts only, combining annual Confession with Easter Communion. It is as follows:

1. To hear Mass on Sundays and all other feast-days of obligation.

2. To fast during Lent, on Ember Days and appointed vigils; not to eat meat on forbidden days.

3. To confess at least once a year and to communicate at Easter, each one in his own parish.

4. To pay tithes to the Churches, according to usage.

5. Not to celebrate weddings in prohibited seasons, that is from the first Sunday of Advent to the feast of the Epiphany, and from the first day of Lent to the octave of Easter.[1]

B.—The Precepts of the Orthodox Church

The making of lists and the sharp definition of duties are foreign to the authentic genius of Orthodoxy. They

[1] Villien, *op. cit.*, p. 20. But Precepts (3) and (5) have already been modified by subsequent legislation.

belong to that juridical character of Latin Catholicism which the Orthodox are often ready to criticize. It would therefore probably be very difficult to obtain from the Orthodox of modern days any such clear-cut list of the minimum duties of the layman as can be found in any Roman catechism. But during the sixteenth and seventeenth centuries a strong wave of scholasticism swept across the Greek Church under the influence of which the five authoritative Symbolic Books of the Orthodox Church were drawn up and promulgated as official statements of doctrine and practice. The well-known Catechism of Nicolaos Bulgaris belongs to the same period and was composed under the same influence. These documents were, in fact, intended to make the Orthodox position clear as distinguished from Papalism on the one hand and from Calvinism on the other. Their "juridical" tone is quite as obvious as in any Latin documents.

Thus the "Orthodox Confession," compiled in 1640 and finally promulgated at the Synod of Jerusalem in 1672, gives the following list of Precepts:

1. To pray to God with contrition and compunction of heart and be present at the rites of the Church on Sundays and other festival days—*i.e.*, to hear Matins, the Liturgy, Vespers, and the doctrine.

2. To keep the four appointed fasts of the year, together with the days of the Exaltation of the Cross and the Beheading of St. John Baptist, and all Wednesdays and Fridays (with certain exceptions).

3. To honour spiritual men, and especially confessors.

4. To go to Confession four times yearly. (The more advanced to go monthly; the simpler sort once yearly

at the least.) The sick must also confess and communicate, having previously received the holy Prayer Oil.

5. Not to read the books of heretics, unless deeply rooted in Holy Scripture and the sciences; nor to converse nor mix with them.

6. To pray for others.

7. To fast when ordered by the Bishop.

8. Church goods not to be seized or employed for private use.

9. Not to marry during prohibited seasons; nor to attend forbidden pastimes and theatres; and to abstain as far as possible from barbarous customs.

This list seems open to criticism in several points. It seems to be composed on no one principle: (1) is a combination of a general Christian ideal with a particular ecclesiastical rule of almost impossible strictness; (2) is an ecclesiastical rule of excessive rigour which turns half the year into a time of fasting; (3), (6), and (8) are ordinary Christian duties, belonging, it might be thought, to Divine Law rather than to the ecclesiastical precision of it; (9) is a combination of a definite ecclesiastical rule with vague generalities which seem quite unconnected with it.

We may compare the way in which the subject is treated by Nicolaos Bulgaris in his Catechism (1681).

Good works, he says, are necessary to salvation. They can be performed by keeping the commandments of God and of the Holy Church, and by performing works of mercy. The " commandments of the Church " are then enumerated, as follows:

1. To go to Confession at least once a year.

2. To receive Holy Communion at least once a year.

3. To hear the Liturgy on Sundays and greater feasts.

4. To fast during the Lents, and on Wednesdays and Fridays.

5. To give what is due to the Church according to local custom.

This, it will be observed, is simply a variant of the ordinary contemporary Western lists, except for its insistence on keeping the four Orthodox Lents instead of the one Lent known to the West.

C.—The Church of England

No authoritative list of " Precepts " has ever, so far as the author is aware, been issued by the English Church since the Reformation. Details of the extent to which she and other Anglican Churches have accepted individual precepts will be found under their proper headings.

The list set out by Bishop Cosin is of interest. It is as follows:

1. To observe the festivals and holy days appointed.

2. To keep the fasting days with devotion and abstinence.

3. To observe the Ecclesiastical Customs and Ceremonies established, and that without frowardness or contradiction.

4. To repair unto the public Service of the Church for Matins and Evensong and other Holy Offices at times appointed, unless there be a just and unfeigned cause to the contrary.

5. To receive the Blessed Sacrament of the Body and Blood of Christ with frequent devotion, and three times a year at least, of which times Easter to be always one.

And for better preparation thereunto, as occasion is, to disburden and quiet our consciences of those sins that may grieve us, or scruples that may trouble us, to a learned and discreet priest, and from him to receive advice, and the benefit of absolution.

The following list has been recently put forth by the Committee of the Anglo-Catholic Congress:

1. To be present at Mass on Sundays and the greater holy days and to keep Sunday as a day of worship, rest, and recreation.
2. To receive Holy Communion at least three times in the year, of which Eastertide shall be one.
3. To go to Confession at least once a year.
4. To fast in Lent and to eat no meat on Fridays.
5. To uphold the Church's marriage law.
6. To give regularly to the support of the Church and Ministry.

This seems a very admirable statement of the mind of the Church, and, as may be seen, it is closely similar to the official lists of the Latin Church. But it would be difficult to defend the omission of all fast days except those of Lent.

CHAPTER II

THE OBSERVANCE OF SUNDAYS AND HOLY DAYS

A.—The Law of Sunday Worship

The observance of the first day of the week by Eucharistic worship is coeval with Christianity. In Acts xx. 7 it is implied that it is the normal day for the "Breaking of the Bread." In 1 Cor. xvi. 2 it obviously has a special character which makes it the natural day for setting aside a sum of money for charitable purposes, and in Rev. i. 10 it has become "the Lord's Day."

It must of course be remembered that the Jewish Sabbath lasted from sunset to sunset, and that similarly the first day of the week began at sunset on Saturday. Therefore, so far as Jewish Christians were concerned, the religious observance of the apostolic Church would have the character of a prolongation of the Sabbath from sunset into the following night. It is probable that at first the observance was nocturnal. Such would be the conclusion from our evidence, so far as it goes. At Troas (on a very special occasion) one service lasted from Saturday evening until dawn.[1] At Corinth it is clear that the holy meal which culminated in the Eucharist began in the evening.[2] Intrinsic probability would point in the same direction. It would be impossible for most people to observe two consecutive holy days. But the zeal of early Christianity would

[1] Acts xx. 7-11.

[2] 1 Cor. xi. 20-34.

find no difficulty in surrendering part at least of a night's rest to prayer and Eucharist.

But the principle that the Gentiles were free of the ceremonial obligations of the Jewish law implied that the observance of the Sabbath was not to be demanded of them. It appears, therefore, that the first generation of Gentile Christians would have had no obligation laid upon them except that of being present at the weekly Christian gathering on Sunday, or, as we should say, on Saturday night. It is noticeable that even in the Gospels the law of the Sabbath is always treated as part of the ceremonial law: it is never suggested that it is of permanent obligation any more than the distinction between clean and unclean food, a distinction which our Lord Himself probably observed, but which, as St. Mark saw,[1] He definitely abolished for the beneficiaries of the new dispensation.

It appears, therefore, that for the Gentiles of the first generation there was an obligation to observe a holy night each week, and no more. It was the night sanctified by the Resurrection of the Lord; and the observance consisted first of a supper modelled on that of Maundy Thursday evening, and then, as a climax, of the fulfilment of His command to "do this for His memorial." It is impossible to tell how much of the night was occupied in this way, and it is most improbable that the actual Eucharist was always begun at any particular hour. Midnight had no particular significance to a Jew: as we have seen, sunset was the beginning of the day.

This is the Christian assembly, the meeting together in Christ's name, as practised by His first disciples from

[1] St. Mark vii. 19 (R.V.).

the Day of Pentecost onwards. We have no evidence of any other (except, indeed, that at the very beginning it looks as though the assembly came together every evening,[1] and not on Saturday night only), and it was already conceived to be not only a privilege but an obligation. The Epistle to the Hebrews deliberately censures those who absent themselves.[2]

The connexion of the Eucharist with an evening meal involved obvious dangers: and St. Paul's first Epistle to the Corinthians is enough to prove that they were more than dangers. The Eucharist was profaned by drunkenness, selfishness, disorder, and display of "spiritual gifts." The recipients sometimes failed to "discern" the mystery of the Body of the Lord in its Eucharistic form. St. Paul met the situation by giving temporary directions which would put an end to the actual scandals, and promised to "set the rest in order" when he came.[3] It is not improbable that his final solution was to make a separation between the Eucharist and the "Feast of Charity," or Agape. It is true that in the so-called *Teaching of the Twelve Apostles* (a second-century document of uncertain provenance) the Agape still seems to precede the Eucharist,[4] and the way in which St. Ignatius couples the Agape with Baptism[5] suggests very strongly that by "Agape" he meant the whole rite of the "Lord's Supper" (including Agape and Eucharist as we find it at Corinth sixty years earlier). On the other hand, it appears that in Pontus and Bithynia Eucharist and Agape had already been separated by the early years of the second century. The Pagan proconsul speaks of a meeting before dawn,

[1] Acts ii. 46. [2] Heb. x. 25. [3] 1 Cor. xi. 17-34.
[4] *Did.* ix. 14. [5] *Ad Smyrn.* viii.

on a fixed day of the week, at which the Christians bound themselves by a *sacramentum* not to commit sin, and another meeting later in the day at which they partook of a meal.[1] In view of the established custom of celebrating the Eucharist on Saturday night or in the early hours of Sunday morning it seems incredible that any group of Christians would have met before daybreak on Sunday and deliberately deferred the Eucharist to a later hour. Moreover, Pliny tells us that under pressure from him they professed themselves ready to abandon their social meal. It seems, then, that Eucharist and Agape had now been separated and that the obligation of Christians applied to the former and not to the latter.

St. Justin Martyr (*c.* A.D. 140) gives two descriptions of the Eucharist,[2] and it is abundantly plain from his language that all Christian people attended it as a matter of course. The idea of obligation hardly arises. To be present and to communicate were an essential part of being a Christian; so much so that portions of the consecrated Sacrament were sent to those who were absent. The Agape is now entirely separate from the Eucharist, and is held on Sunday evening.

In all these authorities the Eucharist is definitely connected with Sunday.

It is usually said that the custom of attending the Liturgy without communicating was the result of the admission to the Church of many who were plainly unfit for weekly Communion. This no doubt is roughly true. The question which the Church had to settle after the nominal conversion of the Roman Empire was whether it would restrict its membership to those who

[1] Plin., *Ep.* x. 97. [2] First *Apol.*, 65-67.

were still prepared to live according to the standards of the ages of persecution. For good or for evil she rejected the "puritan" answer, spread the net as wide as possible, and welcomed to membership all who desired to be considered Christians. Just as in practice many even remained unbaptized, while claiming the name of Christian, so among the baptized it was found impossible to insist on the actual reception of the Holy Communion, which had hitherto been considered the normal Christian observance of the Lord's Day.

But the matter cannot be stated quite as bluntly as this. On the one hand, Clement of Alexandria, as early as the beginning of the third century, mentions, apparently with approval, the view that it is best to leave it to the conscience of the individuals of the congregation whether to receive or not.[1] On the other hand, even after the conversion of the Empire, voices were not wanting to protest against neglect of actual Communion. The Council of Antioch (341)[2] excommunicated those who "turn away from the participation of the Eucharist through some disorderliness,"[3] and St. John Chrysostom vehemently condemned such a practice.[4] He clearly thought that anyone who was habitually unfit to communicate was also unfit to be habitually present; but that anyone should be so unfit seemed to him a scandal of the first degree. It seems probable that his "hyperbolical" language, as Scuda-

[1] *Strom.* I. i. 5.

[2] *Conc. in Encœniis*, Canon 2. *Cf.* Canon 9 of the *Canons of the Apostles*, which may be the source of the Antiochene canon.

[3] Waterland's comment is: "The Canon does not simply and absolutely condemn all non-communicants, but some only, with this restriction, as doing it with some disorderliness. See Sparrow Simpson, *Non-Communicating Attendance*, ch. vi.

[4] *Ad Ephes. Hom.* iii. 4, 5.

more calls it, refers only to those who very rarely communicate.[1] The dispute settled itself. No one could really suppose it desirable that the semi-Christians who flocked into the Church when Christianity became fashionable should communicate every Sunday; and when whole nations of barbarians came pressing in, the case against compulsory weekly Communion became even stronger. That being so, there could be only one answer to the question whether such persons should be present or absent from the Sunday Liturgy. The Eucharistic *synaxis* (the "gathering together") was the Christian assembly. With the exception of the occasional all-night vigils, there was no other such assembly at the period of the conversion of the Empire. No doubt it might have been possible to maintain the old division between the Mass of the catechumens and the Mass of the faithful by expelling before the Offertory those who were not proposing to communicate. But it was the unbaptized and the excommunicate who had always been dismissed at this point.[2] To expel the baptized would have been to treat them as though they were under the censure of the Church. This was what the Church was not prepared to do. So far from these persons being under an obligation to communicate every Sunday, it was clearly much better that they should not do so. Therefore it seemed wrong to treat them as though they were in some way under the Church's ban. Nor was it a mere idle presence at the administration of a Sacrament to which they were in-

[1] See Sparrow Simpson, *op. cit.*, pp. 109 *sqq.*

[2] St. John Chrysostom himself allowed some even of the excommunicate to remain in church until the end of the service, and followed the same course, *pendente lite*, in the case of certain monks of doubtful standing. Socr., *H.E.* vi. 9.

vited. The doctrine of the Eucharistic sacrifice supplied a justification of their presence. For although it is true that Communion is one side of the sacrificial idea, it is only one side. The other side is Oblation. And it has proved perfectly possible to join in the offering of Oblation while refraining from the receiving of Communion. To do this is no doubt to take only a partial share in the sacrificial act: but for those who feel themselves disqualified from the complete act the part is far better than nothing.

We find, therefore, that there were other Church Councils which insisted that all the faithful should stay for the whole service. The Council of Eliberis (305)[1] suspended from Communion any dwellers in towns who were absent from church (which must have meant the Eucharist) on three consecutive Sundays. The Council of Sardica (347)[2] had the same rule. The Council of Agde (506) enacted definitely that all should stay for the whole service as far as the blessing.[3] It seems at least possible that this does not refer to the blessing at the end of Mass, which at this date did not form part of the regular liturgy, but to a special blessing inserted between the Consecration and the Communion. If this is so, it would mean that non-communicants would leave the church when the communicants left their places to go to the Altar for Communion. In connexion with the decrees of this Council St. Cæsarius of Arles pointed out that it was quite possible to read the Bible at home, but that it was only in church that one could see and hear the Consecration.[4]

It is highly significant that it was this same Council

[1] Canon 21.
[2] Canon 11 (Greek), 14 (Latin).
[3] Canon 47.
[4] *Sermo* 281.

of Agde which first pronounced a penalty, almost an anathema, against anyone who failed to receive Holy Communion at Christmas, Easter, and Pentecost. Such a person is not to be accounted a Christian.

In the sixth and seventh centuries we even find some signs of an attempt to insist on attendance at the choir offices as well as the Mass. St. Cæsarius pressed for Sunday Vespers as an obligation; and a Council at Rouen went so far as to insist on Matins also. The theory of the obligation of Sunday Vespers was revived and strenuously urged in the sixteenth century, but is now obsolete.

There can be no doubt about the practice of the whole of the middle ages. The custom of a general Communion grew fainter and fainter; the idea of the obligation of other services is sporadic and rare; but the law of hearing Mass was strictly pressed. During the earlier part of the period many canons insisted on attendance at the principal parochial Mass; but these rules had become obsolete by the sixteenth century. All that remains is the provision maintained by the modern code, that to hear Mass in a private oratory does not ordinarily satisfy the obligation.[1]

At the Reformation came a great change. The Continental Reformers as a whole could see no good thing whatever in the Mass. It was simply a false sacrifice, interfering with the uniqueness of the Lord's own sacrifice. In their Communion Services anything which, in Luther's phrase, "savoured of oblation" must be eliminated. But it seemed impossible to press for Communion every Sunday. Some of the reformers, like Calvin and Bucer, earnestly desired it, but for practical purposes the rule came to be Communion

[1] *Codex Juris Canonici*, 1249.

about four times a year; and, for the first time in Christian history, the immemorial connexion between the Lord's Service and the Lord's Day was broken.

The English Reformers took a different line. True to their principle of continuity, they took the Latin Mass as the basis of their reformed service, and maintained in being the bulk of the medieval canon law. The First Prayer-Book of Edward VI., as is well known, identified the Mass with the Lord's Supper and the Holy Communion. It retained also the traditional Western type of Eucharistic oblation. Security was given for the celebration of Mass every Sunday by the regulation that every household in each parish must send one of its own members or a substitute to communicate with the priest. The Second Prayer-Book, under Continental influence, made far more drastic alterations. But even in 1552 it seems to have been contemplated that there should be a general Communion every Sunday. But the unfortunate rubric which forbids a celebration unless there are a certain number of communicants did its work only too well. The people of England were not ready to transform themselves into a nation of weekly communicants. They did not, as the new rubric required, send their names to the curate as intending to communicate: the result was that the service came to be celebrated almost as seldom in England as in the religious bodies of the foreign Reformation. But the Anglican ideal is still clear in the rubric which ordains that where there are many priests and deacons they shall all receive the Communion every Sunday at the least.[1]

[1] It may be pointed out that the Prayer-Book of 1661 clearly contemplates the *possibility* of a Communion even on weekdays

It may be fully acknowledged that if we had nothing but Anglican (*i.e.*, post-Reformation) authority to consider, it would be impossible to press for attendance at Mass as an act binding on all Christians every Sunday.[1] But the very heart of the Catholic revival is the insistence that the English Church is precisely the national organization of the Universal Church, and that Anglicanism is a phase of Catholicism, not a substitute for it. Any attempt that Anglican authorities may have made in the past to minimize the centrality of the Eucharist is so contrary to the whole tradition of the Church from the beginning that it can only be ignored by those who believe in her Catholicity. It is impossible to acquiesce

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which are not holy days by providing that most of the Proper Prefaces are to be used for seven (or six) days after that for which they are appointed.

[1] The (post-Reformation) English canon law on the subject is as follows: "All manner of persons within the Church of England shall from henceforth celebrate and keep the Lord's day, commonly called Sunday, and other holy days, according to God's holy will and pleasure, and the orders of the Church of England prescribed in that behalf—that is, in hearing the word of God read and taught; in private and public prayers; in acknowledging their offences to God, and amendment of the same; in reconciling themselves charitably to their neighbours, where displeasure hath been; in oftentimes receiving the communion of the body and blood of Christ; in visiting the poor and sick; using all godly and sober conversation." Canon 13 (1603).

We may compare the language of the Homily "Of the Place and Time of Prayer": "We must . . . come unto . . . the churches . . . to pray . . . and that upon the Sabbath day, as the most convenient time for God's people to cease from bodily and worldly business, to give themselves to holy rest and godly contemplation, pertaining to the service of Almighty God: whereby we may reconcile ourselves to God, be partakers of his reverent Sacraments, and be devout hearers of his holy word." The Second Book of the Homilies was actually promulgated by the Convocation of 1563, but according to Burnet it was composed in 1553, but not issued at that date on account of the death of Edward VI.

in a new way of keeping Sunday, discovered in the sixteenth century. If anyone desires to teach that all Christians except the excommunicate ought to communicate every Sunday, it is difficult to argue against him. Ideally, without doubt, they ought: and this was the ideal which the first reformers had in mind. But if it be allowed that it would be wrong to attempt to make weekly Communion a matter of discipline, the universal consent of the Church leads us to the position that those who are not prepared to communicate may, and must, present themselves at that assembly of the Christian people at which the Blessed Sacrament is consecrated and offered to God. The only ground for the contrary position would be the view that the service is a Communion only, and not also an Oblation. But that is a view which is inconsistent with Catholicism. Those who are prepared to accept the Catholic doctrine of the Eucharistic sacrifice are under an obligation to accept also the minimal Catholic discipline of assisting at the sacrifice on the Lord's Day.

B.—Other Feast Days

It must have been difficult enough for the Church to observe the weekly festival of Sunday during the ages of persecution, and it does not seem that there was any general observance of other days until the Church was given peace by the conversion of Constantine. Easter and Pentecost were of course observed from Apostolic times, but always (except indeed for a short period in Asia Minor) on a Sunday. A few years before the Edict of Milan there is evidence of the Birthday of our Lord having been observed in Thrace on January 6.

There were also local observances of the martyrdoms of various saints. These can be traced to the second century.

But as soon as the Church became at liberty to pay attention to her Kalendar, it was found that the keeping of festivals was a powerful means of enlisting devotion. The observance of December 25 rather than January 6 as the feast of our Lord's Nativity began to spread from Rome to Africa, and finally over the rest of Christendom, early in the fourth century, while January 6 became associated with other Manifestations of the Incarnate Word.[1] Ascension Day is also a fourth-century festival. The chief Apostles soon had their special commemorations, and St. Stephen, as the protomartyr, is already honoured in the fourth century.[2] The Purification of our Lady dates also from the same period, but no other feast of the Blessed Virgin (with the possible exception of the " Repose ") is to be found until the seventh century. St. John Baptist's Day, unlike most of those which have been mentioned, is of Western origin: it dates from the fifth century.[3]

It is probable that almost from the first there were two ways of observing festivals. Some were purely liturgical, and on these there may have been no obligation on the faithful to attend the liturgy; others were observed as though they were Sundays. Thus the Council of Agde (506) imposes the full Dominical discipline on the feasts of Christmas, Epiphany, Ascension, St. John Baptist, and, it tantalizingly adds, other *maximi dies*.[4]

[1] Duchesne, *Christian Worship*, pp. 257 *sqq*.
[2] *Apostolic Constitutions*, viii. 33.
[3] Duchesne, *op. cit.*, pp. 269 *sqq*.
[4] Canon 63.

This addition certainly suggests that there must have been certain *minores dies* which need not be observed like Sundays: yet they can hardly have been numerous, for there is little evidence of many other feasts having been in existence at this date. Very soon, however, a host of minor Saints' days sprang into being, which obviously could not have been observed as general holidays. The Council of Cloveshoo, *e.g.*, in introducing the feasts of St. Gregory and St. Augustine of Canterbury, recognizes that only ecclesiastics can be expected to observe them fully.[1] But the list of what we now call Days of Obligation steadily grew; and on these days games and theatres were forbidden, the law-courts were closed, the churches were thronged. In England in the eighth century there were eight such festivals besides those which necessarily fell on Sundays; the Capitularies of Charlemagne in the early ninth century insist on a whole week's holiday in honour of the greatest feasts. In some dioceses by the end of the middle ages there were more than fifty. For a full quarter of the year no work might be done. No wonder there was grumbling. Early in the fifteenth century Gerson pointed out that the artisan could not earn his living, and that the frequent periods of idleness were a grave danger to morality.

Some attempt was made to reduce the number of feasts of full obligation in the sixteenth century. In Germany the number was slightly reduced, and a new form of obligation was introduced for days which were removed from the list. On these days, in future, Mass must be heard, but work might afterwards be done.

In 1642 Urban VIII. made the first general reduc-

[1] *Conc. Cloveshov.*, II., Canon 17.

tion for the whole Latin world; and the process of reduction went on apace all through the eighteenth century. In some cases the obligation and the exterior observance of the feast in question was transferred to the following Sunday; in others the plan was tried of retaining the obligation of Mass, while abrogating that of abstinence from work. It proved impossible, however, to enforce attendance at Mass when there was no general holiday; and before long all idea of obligation was removed except for quite a small number of feasts. Those days which had for a time had a liturgical obligation only were henceforward commonly known as " feasts of devotion."[1]

Until recent years the list of days of obligation has varied very widely in the different Churches of the Latin rite.

At the reorganization of the French Church in 1806 only four feasts were left as of obligation: Christmas, Ascension Day, the Assumption, and All Saints. The external observance of all others was transferred to the following Sunday.[2]

From 1850 the rule for English Roman Catholics was to observe Christmas, New Year's Day, Epiphany, the Ascension, Corpus Christi, SS. Peter and Paul, the Assumption, and All Saints. Ireland added the Annunciation. In America the external observance of SS. Peter and Paul and Corpus Christi was transferred to the following Sunday.

The new Codex adds to the English list the feasts of the Immaculate Conception and St. Joseph.[3]

On these days Mass must be heard; no servile works

[1] Villien, *op. cit.*, pp. 141 *sqq.* [2] Villien, *op. cit.*, p. 146.
[3] Canon 1247.

may be done; no public merchandise or lawsuits may take place.

In the Orthodox Churches the number of days observed varies very widely. The Greeks observe twenty-seven days, besides patronal feasts; the Russians only nine.

The history of the observance of holy days in the Church of England since the breach with Rome has been chiefly a history of law neglected rather than of law abolished. As in other countries, the first object of the legislature in making alterations was to get rid of the unconscionable amount of working time which was lost through the pleasant embargo on the doing of servile work on a holy day. With this, however, was combined a jealous dislike of any festival which would serve as a reminder of any spiritual power on earth which might rival that of the King's Majesty. Thus the feasts of St. Thomas of Canterbury soon disappeared from the Kalendar. As soon as Edward VI. came to the throne the matter of the Kalendar was taken in hand. But in regard to the observance of holy days the restriction was far less drastic than might have been expected. The wholesale destruction of " black-letter days " does not concern us here. They were not, for the most part, days of obligation. But the Edwardian Act of Parliament and the Elizabethan Prayer-Book of 1561 order no less than twenty-four holy days to be observed, " and none other." It may be presumed that the intention of this legislation was in part at all events to restrict the observance of public holidays, as well as to purge the liturgical year of what seemed to the new regime to be superstitious, or of sinister import.

The " observance " of a holy day at the date of the first purging of the Kalendar must certainly have included the obligation to hear Mass. But as time went on, under the influence of the new teaching and the rubric which forbade a celebration unless a certain number were prepared to communicate, the celebration of Holy Communion on a holy day which was not a Sunday became more and more rare, until at last it died out altogether.

C.—The Law of Rest

As long as Christians were a small minority, liable at any moment to persecution, the public observance of Sunday was out of the question: they could only follow its precepts in such a manner as did not conflict with their ordinary and open way of life. It was only when Christianity was in fair way to become the universal religion that its holy days could be what we call public holidays. Yet it appears that almost from the first some attempt was made to refrain from unnecessary work. " Let every friend of Christ keep the Lord's Day as a festival," says St. Ignatius.[1] So Tertullian speaks of " deferring our businesses."[2] But so far there is no sign whatever of any confusion between Sunday and the Sabbath. There was, it is true, a certain religious observance of *Saturday*, and in the East it seems that the Sabbatical conception was still attached to that day to some extent: but there was nothing Sabbatical about Sunday, beyond the general idea that one day every week should be considered holy.

We may trace the real beginning of the law of

[1] *Ad Magn.* ix. [2] *De Orat.* 23.

Sunday rest not to any decree of the Church but to the famous Edict of the Emperor Constantine. "On the venerable Day of the Sun," so ran the Edict, "let the magistrates and the people residing in the cities rest, and let all workshops be closed."[1] (Agriculture, however, was permitted.) It is possible, no doubt, that the Emperor, whose Christianity was somewhat political in character, was aiming at a civil rather than a religious advantage, and that his reference to the Day of the Sun was meant to suggest that his action had not a specifically Christian aim. However this may be, the Church was not slow to recognize the great spiritual advantages which would ensue from a general custom of keeping Sunday free from secular occupations. At first great care was taken to avoid any appearance of Judaizing. Thus the Council of Laodicea towards the end of the fourth century insists that work *shall* be done on the Sabbath (*i.e.*, on Saturday), but avoided as far as possible on the Lord's Day.[2] But the so-called *Apostolic Constitutions*, of about the same date, say roundly: "We, Peter and Paul, decree that slaves shall do their work on five days of the week, but on the Sabbath and the Lord's Day they shall be at leisure in church."[3] The same rule is to apply to Holy Week, Easter Week, Ascension Day, Pentecost, and the feasts of St. Stephen and other martyrs.

St. Augustine and his contemporaries of the fifth century usually teach that the law of the Sabbath has a purely figurative validity for Christians. The next few centuries, however, show a movement in the direc-

[1] Eus., *De vita Constantini* iv. 18.
[2] Canon 29.
[3] *Ap. Const.* viii. 33.

tion of strictness. It was natural enough to take the Christian holy day as the equivalent of the Jewish one, and from this it was a small step to the idea that the Jewish regulations were of permanent authority. From this period may be dated the prohibition of farm labour, judicial proceedings, commerce, and hunting. St. Cæsarius of Arles bids his people sanctify the Lord's Day from Saturday evening to Sunday evening, and deliberately cites Lev. xxiii. 32 as his authority.[1] So, too, at the English Council of Cloveshoo (747) it was enacted that the Lord's Day should be set apart for Divine worship alone, and business of any kind with all unnecessary work was forbidden. In Germany about the same period St. Boniface gives a list of festivals on which work was forbidden.[2] In some places savage penalties were enacted against those who broke the law.[3] Here also the influence of the Old Testament is probably to be discerned.

The scholastic period exhibits a certain reaction against the idea that the ceremonial law of the Sabbath was still in some sense binding upon Christians. St. Thomas maintains[4] that the Fourth Commandment is a part of the *moral* law, in so far as it commands the dedication of some time to God. But in so far as it prescribes details it is ceremonial only, and therefore abrogated. But in so far as it is a moral command the Church must prescribe *some* way of keeping it, and therefore lays down the precept of abstaining from all "servile works." Such works do not include works performed in the direct service of God, nor even all

[1] *Sermo* 280.
[2] *Statuta S. Bonifacii* 36, quoted by Villien, *op. cit.*
[3] Villien, *op. cit.*, pp. 72 *sqq.* [4] *Summa Theol.* II. ii. 122, 4.

performed in that of men. There is nothing " servile " in providing for our own necessities or those of our neighbour, nor in taking steps to avoid loss of property. It will be noticed that this way of looking at the obligation of abstinence from work exactly fits our definition of a precept of the Church. It is an interpretation of the requirements of the Divine Law, put forth by the authority of the Church.[1]

The later middle ages are characterized by an enormous increase in the number of days on which it was attempted to forbid all work; but it is almost impossible to suppose that such attempts were altogether successful. Legislation varied greatly from diocese to diocese. As an illustration Professor Villien cites a Council at Oxford in the thirteenth century which enumerated fifty-four days besides Sundays on which apparently no work was to be done, twenty-one other days on which work was to be strictly limited, and four others on which agriculture was permitted after Mass.[2]

From the seventeenth century the Papal authority was definitely exercised in the opposite direction. Urban VIII. (1642) reduced the number of days of obligation to thirty-two (not including Sundays). The

[1] For many centuries " Sunday " began with what we call Saturday evening and ended at sunset, *a vespere usque ad vesperam* (St. Cæsarius of Arles, *Serm.* 280). The same rule is found in the Greek *Didascalia*, c. vi. (The date of this is uncertain, but appears to be between the seventh and the eighth centuries.) So also the Council of Berkhampstead, c. x. (sixth century), and that of Frankfort (794). The Ecclesiastical Laws of King Edgar (958-975), c. 5, actually make the festal period last from 3 p.m. on Saturday to bedtime on Sunday. In the later middle ages custom seems to have varied (Laymann, *Theologia Moralis*, IV. vii. 2). See Villien, *op. cit.*, pp. 69, 77, 106, 107.

[2] *Op. cit.*, pp. 132 *sqq.*

poor still, however, complained that they were unable to earn their living, and apparently many of the bishops, on their own authority, while maintaining the obligation of hearing Mass on these days, remitted that of abstinence from work. In the eighteenth century Benedict XIV. gave a partial sanction to this course by deliberately granting indults at the request of local groups of bishops. Under the economic circumstances of the succeeding period relaxations grew apace, until in France, at the beginning of the nineteenth century, there remained only four feasts, besides Sundays, on which no work might be done: Christmas, the Ascension, the Assumption, and All Saints. The obligations attaching to the others were either suppressed, or (nominally) transferred to the following Sundays.[1]

D.—Our Own Obligations

For the authoritative view of the matter in England at the beginning of the Reformation period we cannot do better than quote the so-called King's Book of 1543, drawn up by the English bishops after the breach with the Pope.

"Instead of the Sabbath Day succeedeth the Sunday in the memory of Christ's Resurrection, and also many other holy and festival days . . . which be called holy days . . . because the Church hath ordained that upon these days we should give ourselves wholly without any impediment unto . . . holy works." It is to be observed by self-examination, prayer, meditation, reading, and abstinence from bodily labour (but without superstition). "They which, having no lawful impediment, do not give themselves upon the holy day to hear Mass,

[1] Villien, *op. cit.*, pp. 141-146.

to hear the word of God, to remember the benefits of God, to give thanks for the same, to pray, to exercise such holy works as be appointed for such days . . . do break this commandment."[1]

This strict theory of the obligation of Sunday was for the most part treated by the early Reformers as a Popish error. There was, indeed, no very obvious reason for the observance of Sunday, and none at all for the observance of other holy days, except the authority of the Church. So far from Sabbatarianism being a general characteristic of the Protestant revolt, it is rather true that it was strictly local and exceptional. A good illustration of the feeling of the early reformers is to be found in the Catechism of the Church of England. There, as is well known, the explanation of the Fourth Commandment is confined to the expression, " to serve him truly all the days of my life " (1552).

It was not until the reign of Elizabeth that English Puritanism began to associate itself with an extreme Sabbatarian view of the Lord's Day. The country had learnt the lesson of revolt only too well. The Sunday Mass had disappeared, and with it all the natural and most of the supernatural attractiveness of the worship of God. The sense of obligation to the Church had almost gone. Therefore unless Sunday could be brought directly under the Law of God, it seemed likely to be but a short time before the external observance of religion would become but a memory. The identification of the Lord's Day with the Sabbath had thus two advantages in Puritan eyes.[2] It promised to be a lever

[1] *The King's Book*, ed. Lacey, pp. 95, 97.

[2] The Homily " Of the Place and Time of Prayer " (for the date of which see note on p. 30) treats Sunday as the Christian

with which to bring men to Church and to keep them from misusing the legal day of rest; but also it dispensed the Puritan teacher from any necessity of appealing to Church tradition. Thus he could keep the Lord's Day and get rid of all other holy days. This was the avowed intention of the Puritan party: but we have only to look at our Prayer-Books to see that the English Church deliberately refrained from identifying itself with them.

It appears, then, that on Catholic principles the Precept on the observance of Sundays and Festivals binds us with the fullest possible authority. To hear Mass on Sundays is a duty coeval with Christianity. Abstinence from ordinary business and work has been expected from Christians ever since the cessation of persecution made it possible for the profession of Christianity to be public and undisguised. The variable element has been the closeness of the connexion with the idea of the Sabbath. This variation has naturally caused a corresponding variation in the strictness of the rule, and in the motives appealed to; but the general principle that there should be a cessation of all unnecessary ordinary business for the honour of God is universal, and ought to bind our consciences. Further, there seems no doubt that when the Church instituted a festival, she expected her children to keep it in the same way as a Sunday. This was the original idea of a festival, and except

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Sabbath, condemns those who treat Sunday like a weekday in the matter of business, but is still more severe on those who "will not labour on Sunday, yet they will not rest in holiness . . . yet they rest in ungodliness and filthiness, prancing in their pride, pranking and pricking, pointing and painting themselves, to be gorgeous and gay," and much more to the same effect. We notice that there is now no mention of other holy days.

under secular pressure, has never been abandoned. There is no difference whatever in principle between Sunday observance and festival observance, except that the former is more ancient.

But just as the negative side of such observance only became possible when the Church became free, so it was only while the Church was dominant that rest days could be multiplied with the prodigality of the middle ages. When the lay world revolted, some compromise had to be made. The compromise consisted partly in the definite recognition of a difference between a holy day and a holy day of obligation, but partly, also, in a fairly generous interpretation of what was necessary in the way of " servile work."

The Latin canon law now stands as follows. On Sundays and other days of obligation all Catholics must hear Mass, and abstain from servile works and lawsuits; also from all forms of public merchandise, unless there is either a legitimate custom or a special indult allowing it. The obligation is not ordinarily fulfilled by hearing Mass in a purely private oratory.[1]

In practice, however, the custom among Roman Catholics appears to be that, unless the day is a public holiday, the faithful do their work as usual, provided only that they have heard Mass.

This book, however, is not intended for Roman but for Anglican Catholics; and it may naturally be asked what is the relevance of modern Latin practice to our own obligations in the matter. The Latin canon law in its present form certainly cannot bind Anglican consciences; but it is an extraordinarily useful guide as to the mind of the Church in modern circumstances.

[1] *C.I.C.* 1248, 1249.

Strictly speaking, it looks as though the Anglican was obliged to consider as of obligation all the days which, according to the Book of Common Prayer, "are to be observed." The Church knows no other way of "observing" festivals except those of Eucharistic worship and of rest (when possible). But in point of fact, at the date of the present edition of the Prayer-Book (1661-2) this conception was in abeyance, and remained so until the time of the Catholic revival. Meanwhile, the Church of England had been almost completely submerged under a flood of negligence and sloth. When it emerged, it naturally found that some of its laws were (in a sense delimited by our metaphor) ante-diluvian. The Roman Church had meanwhile adapted these same or very similar laws to the circumstances of the modern world. It is therefore tempting to treat the Latin law as though it were our own. It seems impossible to say that after all these years of neglect we will go back to the strictness of observing every feast of an Apostle as a day of obligation: and, on the other hand, it is impossible for any one who has ever kept the feast of Corpus Christi to imagine that it could ever be anything but definitely wrong for him to fail to hear Mass on that day. All the same, "obligation" is a very strong word. If we are going to adopt Latin moral theology as well as the details of the Latin canon law, it means that to fail to hear Mass on such a day is a mortal sin. In other words, if it be really intended and understood, it is a defiance of the Church so grave as to amount to an aversion of the soul from its true end. It cuts it off from grace, and puts it in imminent danger of hell. Now it is true that where Church authority is clear and unmistakable it is a very grave thing to defy it. "He

that heareth you heareth me." But before we can talk like this, it must be very certain indeed that the authority really is the authority of the Church. Take, then, this case of Corpus Christi as typical. Is it contended that the feast is of such authority that no local church could abrogate it? Such a contention could only rest on a view of Papal authority which would take us far beyond the observance of a particular feast day. But if not, there can be no question but that the English Church could and did abolish it. Its restoration among ourselves is purely unofficial. We have seen a good thing which once was ours: and we have chosen to make use of it. It is we who do so make use of it who have to justify ourselves. To do this we have to say that the English Church has thrown its jewels away so recklessly under improper influence that her actions cannot always be taken seriously. This may pass well enough as a defence for something which is clearly a good thing in itself. But it is a different matter to teach that every English churchman not only may, but must, observe such feasts.

It looks, then, as though our final word on this subject must be that it is the duty of English churchmen to "observe," in the full sense of that word, all those feasts which are appointed "to be observed," unless the general verdict of the Catholic world seems to leave us free in the matter. And we may as well acknowledge that this "general verdict" means the Latin canon law. This is in fact what "obligation" works out at among those who under modern conditions have maintained (as the English Church has not) a continuous Catholic tradition. It is a very good guide, but hardly a coercive authority.

In practice, then, we shall presumably teach that for Anglican Catholics Christmas, Epiphany, Ascension Day, and All Saints are days of obligation, but not, in absolute strictness, Corpus Christi, the Assumption, St. Joseph, or the Conception.[1] The inclusion of the Circumcision of our Lord in the number of days of obligation must rest solely on the fact that in so many countries it is a public holiday; so there is some excuse for Anglicans who fail to hear Mass on this day. Some doubt may also be admitted in the case of the feast of St. Peter and St. Paul, inasmuch as the official Church of England only takes notice of St. Peter.

It has been worth while to examine this point at some length, as it raises the whole difficulty about obligation for Anglicans. The case is not so clear for us as it is for Roman Catholics. Where they can refer to the canon law, we so often have to refer to the mind of the Church as *illustrated by* the canon law. The bulk of the present Latin canon law consists of Papal decisions. However much we may think, as seems to be the case, that these do generally interpret the mind of the Church here and now in a very remarkable manner, it is hardly possible for us to treat them as "finishing the case."

We have also to consider what circumstances will justify a Catholic in failing to be present at Mass on a Sunday or day of obligation. As is so often the case, we have no universal decree of the Church to appeal to, nor any authoritative Anglican decision. We are thrown back on the Latin canon law and moral theology. We cannot appeal to them as settling the question, but

[1] The reduction of this day to "black-letter" rank makes it difficult to assert plausibly that it is of obligation. On the contrary, the letter of the Book of Common Prayer forbids its being "observed" at all!

as giving valuable and expert guidance, the fruit of many centuries of actual practice. They have, to say the least, a very high degree of probability.

The Latin theologians then admit the following excuses:

1. Sickness, if to go to Mass would mean great discomfort, danger of relapse, or notable retardation of convalescence.

2. Distance. A walk of three miles excuses; but those who ordinarily use a vehicle, or can easily do so, must not take advantage of this.

3. Fear of the anger of those in authority (husband, parents, and the like).

4. Fear of the loss of considerable financial profit. (This sounds very sordid. Of course it can never be permissible to *sin* for the sake of worldly gain, however great the amount of it. We ought all to hope that we should refuse to indulge, *e.g.*, in malicious gossip, though we were offered £10,000 to do so. But to miss Mass on one Sunday is not in itself a breach of the Divine Law, but a breach of the regulation by which the Church normally secures the observance of the Divine Law. The case is simply a piece of Latin realism.)

5. The care of the sick, in cases where they cannot be looked after by someone else without grave inconvenience to the sick person.

6. Shyness, if one's banns are to be published (a very strange but kindly provision).

7. Recent bereavement, according to local custom.[1]

Two other points have to be considered in regard to the duty of abstaining from work on Sundays and days of obligation.

[1] Dublanchy, in *Dictionnaire de Théologie Catholique*, *s.v.* "Dimanche."

1. Can any definition be given of work? The Latin moral theologians use the phrase "servile works."[1] St. Thomas defines these (for the purpose of the Precept) as work belonging to slaves. It might seem, therefore, that the whole conception was based on a state of society which has long since passed away. In fact, the interpretation has varied very much from age to age. It has been held that any work done for money is servile: that the use of any instrument or tool, whether pen, brush, or needle, is servile. Possibly the nearest that we can get to the mind of the Church on the matter is to say that work is servile when it is laborious, but not when it is done for pleasure. Thus it has been usual to allow hunting and fishing as sport, but not for profit. Any occupation which is noble in itself is allowed, but not one which is purely mechanical. It must be acknowledged that from the nature of the case there has been much splitting of hairs on this subject. It seems obvious to most Anglicans that what is needed is an emphasis on the need of sanctifying Sundays and holy days, and that all this discussion of what it is wrong to do misses the mark. But it must be remembered that the Precepts fall within the sphere of moral theology: and the work of that science is not to give good advice, but to decide what is of obligation.

2. A further question relates to the circumstances in which the Precept may be disobeyed. It is universally acknowledged that necessary work may be done. This includes work which is directly connected with religious worship, work the stoppage of which would entail

[1] The first occurrence of the phrase in this connexion is in certain regulations attributed to Dagobert I., *Lex Alamannorum* i. 38, cited by Villien, *op. cit.*, p. 74.

grave public inconvenience, all buying and selling of medicines or the necessaries of life. A man who is in actual poverty may do as much work as will suffice to relieve his actual necessities. A decision of far-reaching importance was made by Pope Alexander III. in 1180, allowing the activities of the Adriatic sardine fishery to be carried on on Sunday, on the ground that the sardines would not wait! The possibility of grave financial loss will also excuse, but a man is expected to lay his case before his confessor if he proposes to take advantage of this. It is clear that it would be almost impossible for a Catholic to close his place of business on, *e.g.*, Ascension Day, without running the risk of ruining his business. The same is probably true of many small shopkeepers in regard to Sunday trading (even apart from articles of food and medicine). But the mere fact that the work is being done out of charity does not in itself release from observance of the law.

It should further be remembered that even among those who are subject to the Latin canon law the character of this particular obligation has varied greatly, not only from time to time, but from place to place. Most of the conciliar decisions are of a local character. The Council of Trent expressed itself in the vaguest terms. The actual obligations which have been acknowledged have to an unusually large extent depended on the opinions of moral theologians rather than on direct enactments. In this matter of the Sunday rest therefore (though not in that of the Sunday Mass) it seems reasonable to pay some respect to purely Anglican custom and tradition, and in particular not to insist on forcing the pace in the direction of laxity.

CHAPTER III

FREQUENCY OF COMMUNION

IT has already been pointed out that no question of a rule of frequency of Communion as distinct from frequency of attendance at Mass could have arisen in the primitive Church, for the simple reason that the two practices normally went together.[1] Among the devout, indeed, Communion was more frequent than presence at the Liturgy, inasmuch as it was customary for many of the lay-people to reserve portions of the Sacrament for daily consumption at home. There is evidence from different quarters of the world that during the third and fourth centuries it was a frequent custom to communicate several times a week. It was only when standards of devotion began to decline that the idea of the obligation of Communion could arise. When this did happen there was a good deal of hesitation, not indeed about the ideal, but about the minimum which could be tolerated.

As we should expect, it is only after the "establishment" of Christianity that we come across traces of laxity. Even by the end of the fourth century we find a complaint that some communicated but once in the year.[2] The Antiochene Council *in Encœniis* found it necessary to decree excommunication and public penance for those who came to church and heard the

[1] With, apparently, the exception of Alexandria.
[2] *De Sacr.* V. iv. 25.

Scriptures, but contemptuously (*per insolentiam*) refused Communion.[1] St. John Chrysostom, in the fifth century, appears to be the first to speak of a minimum rule. In his day it was evidently taken for granted that even the lukewarm would communicate at Epiphany, in Lent, and at Easter.[2] St. Augustine says that the least we can do is to communicate every Sunday, but advises daily Communion.[3] This, however, is a counsel rather than an authoritative statement of an obligation. The Church Councils for the most part are content to insist on three times a year. Thus the Council of Agde lays down a strict rule of Communion at Christmas, Easter, and Pentecost. The Council of Auxerre (585) still tried to insist on weekly Communion, and for a time this custom lingered on in some portions of the Church. But St. Bede in 734 complains that in England even the devout would not communicate more than three times in the year. By the eighth century it was necessary in this country to pass fresh legislation to persuade the lay-people to attain even this standard. In the ninth and tenth centuries attempts were made on the Continent to secure a *double* Communion at Easter (on Maundy Thursday as well as Easter Day), and to urge frequent, or even daily, Communion in Lent.[4] The *Admonitio Synodalis* of the tenth century (still printed in the *Pontificale*) bids the assembled presbyters to admonish the people to communicate at Christmas, Easter, and Pentecost. None the less, as time went on, Communions grew still less frequent. Partly, no doubt, this was due to a failure in devotion,

[1] Canon 2, quoted by Villien, *op. cit.*

[2] *In Epist. ad Ephes. Comment.*, Hom. III., *n.* 4, quoted by Villien, *op. cit.*

[3] *Ep.* 54, quoted by Villien, *op. cit.*

[4] Villien, *op. cit.*, pp. 197-201.

but partly also it was the result of superstitious fears. The dread of an unworthy Communion was so great that it seemed better to run no risks. Further, the growing stringency of the custom of confession as an invariable preliminary to Communion would naturally have the effect of decreasing the frequency of the latter. In Scotland in the eleventh century even Easter Communion was widely neglected, and a Council held by order of St. Margaret in 1076 seems to have been unable to do more than attempt to secure this minimum.[1] In the ensuing century it is probable that everywhere the standard was declining to this point.

In 1215 the Fourth Lateran Council enacted that every Christian who had arrived at years of discretion should communicate at Easter, "unless, with the consent of his parish priest, he prefers to abstain temporarily." It seems probable that there must be some connexion between this rule and the new regulation of yearly confession *proprio sacerdoti*. Cases would sometimes arise when the parish priest would think it best to defer absolution. If the rule of Easter Communion were absolute, the penitent could only explain his failure to approach the Lord's Table at Easter by revealing the fact that he was unabsolved. This would come very near to involving the priest in a breach of the seal of confession. If, on the other hand, the penitent were able to say that the priest had consented to his not communicating, suspicion might be aroused, but no actual revelation would have taken place.

The expression "years of discretion" was commonly interpreted in the middle ages as equivalent either

[1] *Conc. Scotien.* 15, quoted by Villien, *op. cit.*

to puberty or to a somewhat earlier age, somewhere between ten and twelve.[1]

But it is interesting to observe that even after the Lateran Council local Councils still make the attempt to enforce the older discipline. Thus the Council of Toulouse (1229) renews the regulation of obligatory Communion at Christmas, Easter, and Pentecost, and the Constitutions of St. Edmund of Canterbury (1236) recommend Communion three times a year, while only insisting on the rule of the Lateran Council. So, also, the Synod of Lambeth (1238) urged the restoration of the older rule.

The Council of Trent renewed the regulation of the Lateran Council, and the modern Latin canon law has the same prescription. " Easter " is given a wide denotation. It includes the whole fortnight from Palm Sunday to Low Sunday, and the Ordinary may extend the period, at his discretion, from the fourth or fifth Sunday in Lent at one end to Trinity Sunday at the other.[2] A person may, however, be excused on the *advice* of his pastor or confessor. According to the present Codex it is no longer necessary to communicate in one's own parish church, or even according to one's own rite. It is specifically stated that the responsibility for the fulfilment of this obligation on the part of young people rests upon their parents or elders, and the expression " years of discretion " is now interpreted as synonymous with " the age of reason "—*i.e.*, approximately seven years.[3]

But the Codex now contains a new prescription. The faithful are to be urged to communicate frequently,

[1] Villien, *op. cit.*, pp. 213 *sqq.*
[2] *C.I.C.* 859, § 2.
[3] *Ibid.*, 859, § 1.

and even daily, and it is definitely stated that those who assist at Mass should communicate, if rightly disposed, and not be content with spiritual Communion.[1] It is well known that in this respect a revolutionary change has taken place in the Latin Church during the last twenty years. In the middle ages even the Religious, unless they were priests, seldom communicated more than six times in the year; and when the English reformers attempted to bring about a better state of things the popular demand was " to have the Sacrament of the Altar but at Easter delivered to the people."

The Anglican regulation, " that every Parishioner shall communicate at the least three times in the year, of which Easter shall be one," dates from 1552. The Book of 1549 had been content to repeat the regulations of the Lateran and Trent.[2] At the Savoy Conference the Puritans objected to the rubric " Forasmuch as every parishioner is not duly qualified . . . and those habitually prepared are not at all times actually disposed . . . we desire this rubric either wholly omitted, or thus altered: ' Every minister shall be bound to administer the Sacrament of the Lord's Supper at least thrice in the year, provided there be a due number of communicants manifesting their desire to receive.' " The Bishops, however, declined to make any change. " The priest standing at the Communion Table," they said, " seemeth to give us an invitation to the holy Sacrament, and minds us of our duty, viz. to receive the Holy Communion, some

[1] *C.I.C.* 863.

[2] Canon 23 of 1603 obliges students in colleges to receive *four* times in the year.

at least every Sunday: and though we neglect our duty, it is fit the Church should keep her standing."[1]

In the early Church it seems to have been a universal custom to communicate infants, and the Eastern Orthodox still continue the practice and teach its necessity. Thus the Confession of Metrophanes Critopulus (seventeenth century) states that " it is necessary for babes . . . to partake of the Supper of the Lord ";[2] and in more recent years the Russian theologian Khomiakoff blames those parents who do not bring their children to Holy Communion.[3]

As regards the age at which Holy Communion becomes a duty, the Anglican regulations can hardly be squared exactly with the present prescriptions of the Latin canon law. The fact that Anglicans are forbidden to communicate until they are either confirmed or ready and desirous to receive Confirmation makes it impossible to insist, even if it were desired to do so, that all children shall receive Holy Communion every Easter after they have completed their seventh year. While it is clear that the proper subjects of Confirmation, according to Anglican standards, are " children "—*i.e.*, below the age of puberty—the opening exhortation in the rite of Confirmation seems to suggest an age rather older than seven.[4] Canon cxii. (of 1603) requires all persons " being of the age of

[1] See Cardwell, *Conferences*, pp. 262 *sqq.*, and Documents v. and vi.

[2] Quoted by D. Stone, *The Holy Communion*, p. 193.

[3] Cited *ibid.*, p. 194.

[4] The rubric of 1549 (which was afterwards transformed into the exhortation of 1661) implies that the age is to be older than hitherto; but it must be remembered that the English custom in the middle ages was to confirm infants.

sixteen years " to communicate at Easter, but does not forbid Communion at an earlier age. Elizabeth's Injunctions of 1559 provide " that children be not admitted to the Communion before the age of twelve or thirteen years, of good discretion, and well instructed before."[1] But, of course, the latter regulation has no binding force today.

Our duty as Anglican Catholics seems to be clear. It is obligatory to have children confirmed by the age of puberty at latest, and all confirmed persons, not being excommunicate, must certainly communicate " at Easter "—*i.e.*, within a few days of Easter Sunday, either before or after. Moreover, the Anglican precept of communicating at least three times in the year is so fully in accordance with the mind of the Catholic Church as shown in history that it would certainly seem a grave sin against ecclesiastical order to defy such a regulation. It might indeed be urged that to communicate so infrequently as thrice in the year would itself be a sin of ingratitude to God and neglect of one's own spiritual advancement. This, however, is a matter for the individual conscience, and in any case is outside the scope of the present enquiry.

Something must be said about the duty of communicating when in danger of death. As we have seen,[2] this has appeared in a list of the Precepts of the Church, and it seems strange that in the lists current among modern Catholics it has no place. The Codex of Canon Law definitely asserts that it is an obligation, and goes so far as to say that if a person finds himself to be in danger of death he is to be urged to communi-

[1] Cardwell, *Doc. Ann.*, vol. ii., p. 206.
[2] P. 15.

cate, even though he may already have done so on that very day.[1] The idea that Communion under such circumstances is an urgent duty is very ancient, and it is recognized as such in the canons of the Council of Nicæa,[2] which enact that no penitent sinner is to be deprived of Communion when dying, and refer to the Viaticum as " most necessary."

[1] *C.I.C.*, 864.
[2] Canon 13 (A.D. 325).

CHAPTER IV

ANNUAL CONFESSION

THE evolution of the penitential system of the Church is very complicated, and cannot even be summarized satisfactorily within the limits of the present volume.[1] Four methods must be distinguished: (1) Compulsory public penance, (2) voluntary public penance, (3) voluntary private penance, (4) compulsory private penance.

(1) is almost coeval with Christianity. The Church has always claimed the right to excommunicate, and to restore the penitent to his privileges when he has approved himself by submitting to discipline.

(2) After a time it began to be taught that it was the duty of anyone who had committed very heinous sin to accuse himself, and join the ranks of public penitents. Thus the *Pœnitentiale Vallicellanum* III. (sixth or seventh century ?) lays it on the conscience of those who have committed mortal sin to have recourse to the Church on Ash Wednesday, confess their sin, and receive due penance.[2] The penance was public, but it seems that the confession was almost invariably private.

(3) Long before this date sinners had been en-

[1] For a full and elaborate account see O. D. Watkins, *The History of Penance*; also Lowther Clarke, "Confession to Laymen," in *New Testament Problems*, pp. 185-205.

[2] Quoted by Villien, *op. cit.*, pp. 155, *sqq.*.

couraged to make private confession of their sin with a view to receiving good advice and to increasing contrition. So also the Penitential just mentioned urges those whose sins are only venial to confess them, even though in this case there seems to be no suggestion either of public penance or of absolution. The systematization of such private penance and the combining of it with formal absolution is a long process. It began apparently in Ireland, possibly under the influence of St. Basil's monastic discipline. Thence it gradually spread southward, largely through the influence of St. Columban, but was hardly heard of in Rome until the end of the twelfth century. The fact that this discipline was so much lighter than the older method of public penance no doubt helped to make it acceptable to those who had committed mortal sins.

(4) But meanwhile increasing pressure was being exerted on everyone to submit to it. Not, indeed, that it has ever been taught that absolution is necessary for venial sin; but the conscience of the Church was becoming increasingly sensitive as to what constitutes mortal sin. On the whole, it began to seem probable that few people would pass the whole of their lives without ever committing mortal sin. If that were so, it was clearly safer that they should have the opportunity of receiving absolution. Thus between the eighth and the thirteenth centuries we have frequent decisions of local councils in Northern Europe insisting on regular private confession for all at the beginning of Lent, and by the twelfth century this had further developed into a requirement of three confessions a year, and a general understanding that confession should be made before each Communion. No doubt

this was very largely responsible for the great decline in the frequency of Communion which is characteristic of the period. It must, however, remain very doubtful whether the rule of three confessions was ever universally observed.

Meanwhile theoretically the old severe system of public penance for notorious sin still held its ground, though in practice it was everywhere being ousted by the newer discipline. Thus the decree of the Fourth Lateran Council (1215), which for the first time laid down the rule of annual confession as a universal law, was not so much a tightening up of Church discipline as a recognition that the penitential system had broken down through over-strictness. It had broken down where public penance was the only form of discipline, through the unwillingness of sinners to submit to it. It had broken down very largely even in the countries where private penance had taken its place, through the over-eagerness of the ecclesiastical authorities to insist on *frequent* confession. During the tenth century the upholders of public penance had denounced the newer system for its laxity and had wished to insist on bringing before the bishop's court all who were guilty of grave sin. The new regulation therefore, that every Christian who had attained the age of reason should make an annual confession to his own priest, was in reality a relaxation of discipline down to the point at which it could be expected that it would be universally observed. In effect the Lateran Council decreed that, in view of the impossibility of bringing all sinners to open penance, in future every one must accuse himself of any serious sins which were upon his conscience, on the understanding that no public penance would be

demanded of him. In this way the fountain of absolution was thrown open to all sinners.

It is assumed then, on grounds which need not be argued here, that a person who has committed mortal sin needs absolution. This is considered, in the ordinarily accepted Catholic theology, to be normally a necessity. But the Divine Law, on any showing, has nothing to say as to how soon the sinner must seek the good offices of the Church in this matter. It might be said, no doubt, that he must do so on the first reasonable opportunity.[1] This, in fact, is what a good Catholic will do, if at any time he has the misfortune to fall into mortal sin. But, as St. Paul reminds us, " the law is not made for a righteous man."[2] It is true that a good man *may* fall into mortal sin, and that his conscience, if he is a Catholic, will leave him no peace until he has made his confession. He will feel himself to be debarred from approach to the Lord's Table, and he will wish for reconciliation at the earliest possible moment. Even though he knows that on his sincere contrition God has already forgiven him, he knows also that he must be right with the Church before he can happily make use of God's sacramental grace given through the Church. But the typical committer of mortal sin is not this type of man at all. He is by definition a high-handed sinner, in revolt against God. It is for this kind of man that any rule of *compulsory* confession is primarily intended. In early days he would have been excommunicated until he showed

[1] The opinion that *immediate* recourse to confession after mortal sin was in itself a grave obligation was maintained by some authorities at the period of the Lateran Council—*e.g.*, by William of Auvergne, *Summa aurea*, xix., p. 498.

[2] 1 Tim. i. 8.

signs of a better mind, and then at his own request might be allowed the hope of absolution after a long and severe course of Penance. As time went on it came to be seen that many very grievous sins were not notorious, and the matter had to be left more and more to a man's own conscience. He had to be taught that if he had committed mortal sin it was his duty to accuse himself, and ask for penance and absolution. But it did not follow that he would do so, unless some pastoral and disciplinary pressure was brought to bear upon him. "Any time is no time," and unless a definite period is fixed, it is only too likely that such a man will go on procrastinating until the very idea of penance becomes unreal. It is a thing that he cannot imagine himself submitting to, except indeed that if he remains a nominal Catholic, he probably hopes that he may have some opportunity of making his peace on his deathbed. It might be thought that the rule of Easter Communion might pull him up. So no doubt it very often would. But when a man's conscience is seared, which is the natural result of unrepented mortal sin, it is only too likely that he will persuade himself that his sin is not so very bad after all. The enforcement of Communion by ecclesiastical discipline without a corresponding enforcement of confession may be a very dangerous thing.

It must be remembered, however, that a Precept of the Church, in the technical sense, never does more than add precision to a general obligation. Thus, by Divine Law we are obliged to go to Communion sometimes: the Precept merely states the minimum frequency which in the judgment of the Church suffices for the bare fulfilment of the obligation. So, according to the

Catholic theory, we are obliged by the implications of the Divine Law to confess mortal sin *some time*:[1] the Precept interprets this by saying that it must be done within the year. But it follows, from the nature of the Precepts, that if a man is prepared to state solemnly before God that his conscience does not accuse him of mortal sin, he is not obliged to make any confession at all.[2] The confession of venial sins is always voluntary, however salutary it may be: the Church has never claimed a right to exact it. The Precept is therefore observed by anyone who presents himself to the priest and says that he has committed no mortal sin since his last confession. It is true that if a man's conscience is out of order, he may be mistaken in this statement. But in the solemn atmosphere of the confessional he is far less likely to deceive himself than if he were merely persuading himself, in secular surroundings, that there was no necessity for him to face the priest; and, moreover, the very fact that he so presents himself gives the priest the opportunity to probe his conscience, and he may very likely elicit from him an acknowledgment that his sin was much more serious than he had lightly supposed. It must be remembered that we are dealing with the case of one who desires to remain in the Communion of the Church, and does not deliberately intend to increase his guilt by sacrilege.

Until the fifteenth century the question was debated

[1] This obligation (so the Latin theologians assert) only becomes urgent when a man is in danger of death or likely to incur such danger before he again has access to a confessor.

[2] Alexander of Hales and St. Bonaventure maintained the opposite opinion, but the Council of Trent made it clear that the decree of the Lateran Council merely indicated the moment at which the Divine Law took on a character of immediate obligation.

whether young children were bound by the rule. Some held that as they were not subject to the severe penalties prescribed for the breach of it they could be under no obligation at all. We may compare the similar debate as to the age at which the obligation to annual Communion becomes binding. In the present case, however, the point was settled by general consent much earlier, and from the sixteenth century the Latin theologians seem to be unanimous that children must go to confession as soon as they are capable of mortal sin. The modern Codex supports this view and gives it final authority.[1]

The regulation of the Lateran Council has suffered little alteration in later days. The modern Latin Codex has, however, remitted the obligation, which had always created great difficulties, to confess *proprio sacerdoti*, and the penitent may choose any approved confessor.

The question then arises whether Anglicans at the present day are bound by this precept. On the one hand, it is clear that the English Church of the thirteenth century would consider itself bound by any decrees of a Council which claimed, as the Lateran Council did claim, to be Ecumenical. Such decrees passed automatically into the corpus of canon law. The whole of the medieval canon law was continued through the Reformation period, except so far as it was contrary to the law of the land or to the prerogatives now claimed by the Crown. As a matter of canon law, therefore, it appears that the obligation to yearly confession remains. On the other hand, it must be pointed out that the First Prayer Book of Edward VI. definitely made the

[1] *C.I.C.* 906.

whole practice of sacramental confession a matter for the individual conscience.[1] At this point, then, certain questions arise: (1) Is it possible for a local Church to do away with what had been held to be of Divine obligation—viz., the necessity of absolution in normal cases as the only remedy for mortal sin? (2) Can a liturgical exhortation override the canon law? (3) Has the Book of 1549 any canonical authority? (4) If so, does that authority still remain in force? (5) What is the bearing of the canonical principle that canon law loses its force by desuetude? (It is true that by 25 Henry VIII., cap. 19, the canon law, with the exceptions noted above, was given statutory authority, and that in theory no amount of desuetude will suffice to repeal a statute. But no one would maintain that a statutory obligation to go to confession could possibly bind one's conscience!)

Now, of course, if the necessity of this service for the forgiveness of mortal sin is really a *necessitas medii—i.e.*,

[1] In the provisional book of Occasional Offices now awaiting canonical enactment by the Provincial Synod of the Church of the Province of South Africa there is an official ritual for Confession and Absolution, containing the following rubrics:

"The Church doth not require of any that, in order to receive forgiveness of sins he, of necessity, confess before a Priest, but only that every man be honestly assured in his own conscience of his duty in this matter.

"And such as shall be satisfied with a private confession to God in prayer ought not to be offended with those that use confession to God before a Priest; nor ought those who think it needful for themselves to confess their sins before a Priest to be offended with those that are satisfied with their confession to God in private prayer together with the general confession of the Church. . . ."

The second rubric is a paraphrase of the concluding passage of the exhortation in the Book of 1549 to be used "if . . . the people be negligent to come to the Communion."

if absolution is actually the divinely appointed means for such forgiveness, it is quite clear that no ecclesiastical decree of any sort can affect the position. The general tenor of the teaching of the Church in all ages would be that there is at least no other means of restoring the heinous sinner to the rights of churchmanship. The problem is immensely complicated by the wide denotation which gradually came to be given to the term "mortal sin." But that widening is so clearly in line with our Lord's own teaching about sin, that we can hardly doubt its validity. And if it is valid, it is not too much to say that a Catholic who knows he has committed grave sin *ought* to go to confession. The Order for the Visitation of the Sick in the Book of Common Prayer agrees with this. If that be so, the only remaining question is the legalistic one, At what moment does this obligation arise? And whichever way we answer questions 2 to 5 above, the result is practically the same: for supposing the decree of the Lateran Council is *not* binding, it still remains true that the person who has clearly committed mortal sin must normally receive absolution before presenting himself for Communion. The only difference arises in the case of the Catholic who believes, or at least hopes, that he has not committed any mortal sin since his last absolution. If the Lateran decree is binding, he must at least present himself to a qualified priest once a year and inform him of the fact: if it is not binding, he is under no such necessity. Between these two alternatives it is not quite easy to make a choice. On the one hand, an Anglican who denied the *competence* of a national Church to abrogate for its own members the canons of a council of the whole

of the West, would find himself in several rather difficult positions. The question is not of competence, but of fact. Does the Church of England now deny what she used to accept—the obligation of annual confession? It is difficult to point to any document which does deny it, except an exhortation in a service-book which, for all its great merits, may never have had canonical authority and is now obsolete. On the other hand, in view of the long disuse of regular confession, a disuse approved by authority, it would seem unfair to insist in any harsh or rigorous manner on yearly confession for those who believe that their sins are only venial.

CHAPTER V

FASTING AND ABSTINENCE

LIKE the other Precepts of the Church, the law of fasting defines the area within which a Divine or universal law must be observed. But whereas in the case of most of the other precepts the ecclesiastical obligation seems to be whittled down to a minimum, the ecclesiastical law of fasting has almost from the beginning been very severe. In the case of the precepts about hearing Mass, receiving Communion, and going to confession, most spiritual guides would advise their disciples to go far beyond the rule, but in the case of fasting the rule has constantly been found too strict. Not only have general relaxations been found necessary again and again, but there are many cases where exceptions have to be made or dispensations given. This distinction proceeds from the nature of the case. We all really rather shrink from urging attendance at Mass, and still more, reception of Holy Communion, under the authority of a law which says that we *must*. It is clear that these great Christian privileges should be accepted, so far as possible, on grounds of love rather than compulsion; and the compulsory side of the matter only comes in at the last resort in order to stiffen the feebleness of the human will. But with fasting it is very different. It is not to be expected that people will *want* to fast; and it is usually far healthier for them

to do so from a motive of obedience than from private choice. Self-chosen mortifications are admittedly dangerous.

In this case the universal and Divine law is very indefinite. It will be granted, however, that human nature being what it is, there will always be the need for some self-discipline, if the body is not to get out of control; and that the most obvious opportunity of exercising it is to be found in the matter of food. No doubt all the bodily desires need regulation, but whereas in other cases this regulation will usually be observed in the avoidance of that which is sinful *per se*, in this matter of food there is ample scope for a wholesome self-discipline which goes far beyond the mere avoidance of gluttony. Such self-discipline is a duty incumbent upon all human beings. Beyond this it must be admitted that there is little that can be indicated in the way of positive Divine precept. "Then will they fast in that day"[1] is our only text. It is no doubt a far-reaching principle. For Christians, over and above the general motive of self-discipline, fasting is meant to express the desolation which springs from separation from the Divine Bridegroom. Such separation is in part the natural condition of all who are yet *in via*, however close may be their mystical adherence to the Incarnate Lord: but also, far more poignantly, it is the result of sin. But it remains true that our Lord lays down no command on the subject.

Nor can we claim that the example of our Lord gives any clear indication of the duty of His followers. He Himself no doubt observed the strict and complete fast of the Day of Atonement in accordance with the

[1] St. Mark ii. 20, and parallels.

law; and on one special occasion, at the outset of the Ministry, He fasted from all food for a period of forty days. Apart from this there is no record of any fasting on His part. He certainly did not observe the voluntary bi-weekly fasts of the Pharisees.[1]

Nor, again, is there any New Testament exhortation to fast. The only exception to this statement is to be found in 1 Cor. ix. 27, "I buffet my body," which, although in grammatical form it is a mere statement of St. Paul's own practice as an Apostle, certainly implies an exhortation to his readers to follow his example.

Yet from the earliest times fasting has been part of the Christian discipline. Jewish Christians no doubt observed the Day of Atonement as in duty bound. In Acts xiii. 2 we find the Antiochene Church engaged in fasting as a natural accompaniment to "ministering": but there is no indication as to whether or no the occasion was a special one. In verse 3 fasting is again mentioned as the accompaniment of prayer and imposition of hands before the mission of Barnabas and Saul.

The Pascha.—The earliest regular fast observed by all Christians, Gentile as well as Jewish, is probably the Paschal fast, immediately before Easter Sunday. St. Irenæus, writing to St. Victor of Rome, who died in A.D. 199, about the variety of the ways in which it was observed, states that this variety is already of long standing.[2] Also, according to Eusebius, the non-Asiatic churches at this same period claimed apostolic tradition as their authority for being released from the fast on the day of our Saviour's Resurrection.[3]

[1] St. Mark ii. 18, and parallels.
[2] Eus., *H.E.* v. 24.
[3] *Ibid.*, 23.

The fast varied in length. "Some think they ought to fast one day, some two days, some even more; and some reckon forty hours of day and night as their [fast] day."[1] It is clear that the chief stress was laid on fasting during the period *from* the moment of our Lord's death. The idea that Good Friday is the principal day of fasting is later: and still less primitive is that sense of relief which most of us feel in modern times after 3 p.m. on that day. So, a few years later than the letter of St. Irenæus, we find that in Rome a pregnant woman who could not fast two days was expected to fast on Saturday rather than Friday.[2] In this case she was allowed bread and water: but it is probable that others were expected to observe an unbroken fast.

This Paschal fast was gradually extended. We find the first idea of a Holy Week fast in a letter of St. Dionysius of Alexandria about A.D. 250, though he explains that custom varies.[3] Some fast for the whole week; others not even for one whole day. So also about A.D. 270 the Syriac Didascalia refers to a six days' fast.[4]

The Weekly Fasts.—Wednesday and Friday were already widely observed as days of fasting in the second and third centuries. This custom is mentioned in the Didache,[5] and by Clement of Alexandria,[6] Tertullian,[7] and Origen.[8] These days were known as "stations," a military metaphor: and the station mentioned in

[1] Eus., *H.E.* v. 24.
[2] *Egyptian Church Order* (*i.e.*, the Apostolic Tradition of Hippolytus), Connolly, p. 190; quoted by Tyrer, *Historical Survey of Holy Week.*
[3] Migne, *P.G.*, t. x., 1277, quoted by Villien, *op. cit.*, p. 255.
[4] *Didasc.*, c. xxi., quoted by Villien, *ibid.*
[5] C. viii.
[6] *Strom.* vi. 75.
[7] *De Jej.* xiv.
[8] *Hom. in Lev.* x. 2.

Hermas, as the occasion of one of his visions, was no doubt one of these bi-weekly fasts.[1] The fast on these occasions, Tertullian informs us, was broken at 3 p.m. The observance of the station days, already widespread in Origen's time, became universal by the end of the fourth century, and continued into the middle ages. The Wednesday fast slowly faded out, but it is curious to note that it was enforced by Act of Parliament in England in the reign of Elizabeth.[2]

The motive for the observance of these particular days probably had reference to the Passion. Such at least was the opinion of Peter I. of Alexandria[3] and of St. Augustine.[4] Both of them state that Wednesday was chosen as the day of the Jews' conspiracy against Christ.

A very frequent custom in the West, especially in Rome, was to continue the Friday fast on to Saturday. In the earliest times the Sabbath is a Jewish institution, and no Gentile Christian may observe it (so Col. ii. 16). St. Ignatius seems to suggest that for Christians it is a day of preparation for Sunday.[5] But in Tertullian's time it was becoming usual as a matter of piety to fast on Saturdays. According to Duchesne[6] this was simply a relaxation of an ascetic practice of fasting continuously throughout Friday and Saturday: but, in view of the fact that the usual custom was to bring the Friday fast to an end at 3 p.m., it is difficult to understand how it can ever have lasted on until Saturday. It

[1] *Simil.* v. 1. His celestial interlocutor instructs him on the uselessness of mere fasting. He is to keep from sin, and to devote to charitable uses the money which he has saved by his abstinence.
[2] Procter and Frere, p. 331.
[3] *Ep. Can.* xv. [4] *Ep. ad Casulanum.* [5] *Ad Magn.* ix.
[6] *Christian Worship* (Eng. trans.), pp. 231-2.

is possible, therefore, that it was a kind of echo of Holy Saturday, which, as we have seen, tended to be observed even more strictly than Good Friday. Or, of course, the sacred associations of the Sabbath may have had something to do with it at a period when any danger of Judaizing was at an end. In any case the custom was so widely spread at the beginning of the fourth century that we find the Council of Eliberis deliberately relaxing the rule.[1] Even in the eleventh century Gregory VII. commands abstinence on Saturdays unless they concur with some major solemnity, except in cases of bodily infirmity.[2] Traces of the same principle remain, as we shall see, in the modern Latin canon law; and even as late as the time of Queen Elizabeth it seems to have been recognized in England.[3] But in the East, since the fourth century, Saturday has had a festal character,[4] and in the modern Roman Missal and Breviary all unoccupied Saturdays have a festal rite *de sancta Maria*.[5]

Lent.—Lent was never, of course, a period of complete abstinence from food such as marked the Paschal fast. We find, indeed, much variety of observance, and considerable doubt as to the original meaning of the holy season. It is first mentioned in Canon 5 of the Council of Nicæa; but nothing is said about fasting. It was evidently customary in Rome, from the middle of the fourth century, to fast for forty days (or at least for a

[1] Canons 23, 26. [2] Cited by O'Neill, *Catholic Encyclopedia*.

[3] Procter and Frere, *op. cit.*, p. 331.

[4] All Saturdays, except Holy Saturday, were exempt from fasting. Cassian explains that the custom of keeping a vigil on Friday night made it inexpedient to fast on Saturday (*Inst.* iii. 9).

[5] A Council at Avignon, however, in 1337, ordered all clerks who were either beneficed or in holy orders to observe abstinence *pro honore B. Mariæ*. Mansi, t. xxv., 1089 (quoted by Villien).

period which was called "the Forty Days"). So St. Athanasius found, somewhat to his cost, in 340, and told his Egyptian flock that they were making themselves a laughing-stock by their neglect. The *Canons of Hippolytus* (of about the same date) also speak of a forty days' fast. Yet, according to Socrates,[1] even in Rome the actual fast only lasted three weeks, and Saturdays and Sundays were omitted. Duchesne thinks that the omission of Saturdays must be a mistake on the part of the historian, and that what really happened was that three separate weeks out of the whole period of six Lenten weeks were actually fasted.[2] The sacred period itself was, he thinks, only indirectly concerned with fasting. Primarily it was the time of preparation for Baptism; secondarily a time for the penitential exercises of those undergoing canonical penance.[3] Both of these classes, especially the latter, would naturally keep it as a time of fasting, more or less severe, and the general fasting which came to be observed by all Christians was but the stereotyping of a sympathetic observance.

The name Τεσσαρακοστή or *Quadragesima* was for several centuries inaccurate.[4] By the middle of the fifth century there were two methods of computing Lent. In Rome and Alexandria and the West generally Lent included Holy Week and lasted six weeks, during which Sundays alone were exempt from fasting. In the East Lent and Holy Week were successive: the two together lasted seven weeks, but Saturdays also were,

[1] *H.E.* v. 22.
[2] *Op. cit.*, p. 243, note.
[3] *Op. cit.*, p. 242.
[4] Unless, indeed, it referred originally to the forty *hours'* fast, which was one form of the original Paschal observance.

as we have seen, exempt. Thus in both cases the number of fast days was thirty-six.[1] At some date in the seventh century (the life-time of St. Gregory and the composition of the Gelasian sacramentary are the two termini) four additional days were added to the beginning of Lent in Rome, no doubt with the intention of conformity with our Lord's example. But there are several relics of the more ancient custom. In the Breviary offices Lent can hardly be said to begin until Quadragesima Sunday, and according to the Sarum ceremonial the Lenten veils were not hung up until Monday morning.

Ember Days.—The Ember Days are in origin a Roman observance. It is possible that they may be an instance of the wisdom of the early Church in instituting a religious observance at seasons when a pagan ceremony was already observed. This would account for three of the four seasons. The pagan custom in Rome was to invoke a blessing on the harvest, the vintage, and the sowing at the beginning of summer, autumn, and winter: and the ancient prayers for the Ember seasons make a special mention of the fruits of the earth.[2] Duchesne considers that they are simply the original fasts of Wednesday, Friday, and Saturday, observed four times in the year with special strictness—*i.e.*, as complete fasts rather than half-fasts.[3] On Wednesday and Friday the emphasis was on fasting, but on Saturday the special feature was the vigil, concluding with a Mass in the early hours of Sunday morning. Then

[1] The fact of this being almost an exact tenth part of the year was pleasing to the ecclesiastical mind. *Cf.* Cassian, *Conferences*, xxi. 28, 30.

[2] Villien, *op. cit.*, citing Dom Morin, *Revue Bénédictine*, 1897, pp. 337 *sqq.*

[3] *Op. cit.*, p. 233.

the faithful went home to bed, and were not expected to hear Mass again at the usual Sunday morning hour.

These fast days first appear in the fifth century, and the connexion with Ordination dates from the seventh century at least, since it is recognized in the Gelasian sacramentary. Relics of the vigil are still to be found in the *Missale Romanum*. There are six or seven lessons in the Ember Saturday Masses, between which the Ordinations to the various holy and minor Orders take place. Usually the Gospel now appointed for the Sunday is a repetition of that of the Saturday; in old days no Sunday Gospel would be needed, since the faithful had fulfilled their obligation by assisting at the vigiliary Mass.

The Lenten Ember-tide is probably the latest of the four. Obviously there was less need to be concerned with the observance of Ember-tide when the whole week was already one of fasting. Moreover, there does not seem to have been any pagan festival at this period.

It appears from the acts of the Council of Cloveshoo (747) that it was not easy to enforce the observance of Ember Days in England. But Egbert of York (about the same date) has no doubt about the obligation and asserts that the tradition of this observance rests upon the authority of St. Gregory the Great. Egbert gives, approximately at any rate, the same dates as are now observed throughout the West. But the Council of Cloveshoo, omitting the Lent Ember-tide, seems to govern all the others by the civil Kalendar. There was evidently great variety in the dates, at all events in Northern Europe; and the matter was not finally settled until the thirteenth century.[1]

[1] Villien, *op. cit.*, pp. 229-235.

Vigils.—The original meaning of a vigil is an all-night watch. In the Apostolic and sub-Apostolic Church such a watch was observed, as we have seen, for part of every Saturday night. But the vigil service gradually merged itself in that of Matins, which was the night office of the devout.[1] The true vigiliary rite soon came to be confined to such great occasions as the vigils of Christmas, Easter and Pentecost. To these were soon added the Ember Saturdays. So far, the idea of the vigil is still that of a night watch, and perhaps the only fasting connected with it (except of course in the case of Holy Saturday) is implied in the fact that the faithful were in church all night and therefore took no food.[2] But as in time, about the end of the sixth century, these night watches were found to be attended with undesirable features (more especially when they were held in private houses), the custom grew of anticipating them. It is obvious that as soon as the vigiliary Mass came to be celebrated in the evening, the day was *ipso facto*, for communicants, transformed into a fast day.[3] This in turn hastened the process of anticipation. The vigiliary Mass, instead of being the Mass of the day, said in the early morning, became the Mass of the eve, and another Mass had to be provided for the feast itself. But when once the idea of the eve being a fast day had established itself, the fact that the Mass came to be said in the morning made no difference; vigils were now fast days, and the fast had to be kept until

[1] Duchesne, *op. cit.*, p. 229.

[2] But Philastrius of Brescia (quoted by Villien, *op. cit.*, p. 239) speaks of four "fasts" observed by the Church at Christmas, Easter, Epiphany, and Pentecost. This was about the end of the fourth century.

[3] Villien, *op. cit.*, pp. 243-245.

the actual feast began.[1] As time went on, all the chief feasts came to be provided with "vigils"; but the term had come to mean simply a fast day in preparation for a feast. This arrangement, however, is purely Western. The only vigil fast in the East is that of Holy Saturday.

The Fasts of the Litanies.—The custom of singing processional Litanies at some time in the spring is very ancient. Two of these have become permanent in the Latin rite—the *Litaniæ Majores* of April 25 (long anterior to the observance of that day as the feast of St. Mark), and the *Litaniæ Minores* of the Rogation Days.

The former are of Roman origin and took the place of the Robigalia, a pagan festival which also was observed by a procession.[2] They seem to have been instituted by St. Gregory the Great, and are first heard of in the year 598. The latter come from Gaul, and are slightly earlier in date. Bishop Mamertus of Vienne is responsible for them. They were first observed in deprecation of the threatened continuance of earthquakes, but in 511 they were imposed on the whole of Gaul. Leo III. introduced them into Rome about 800, and a few years later the *Litaniæ Majores* were ordered to be observed throughout the Western Empire.[3] Both were introduced into England at the time of the Council of Cloveshoo (747).[4]

[1] An exception in modern times is made for Catholics of the Latin rite in regard to the vigil of Easter.

[2] Robigus was the god who averted mildew (*robigo*), and the agricultural significance of the observance is obvious.

[3] Duchesne, *op. cit.*, pp. 287-289; Villien, *op. cit.*, pp. 248-252.

[4] *Conc. Cloveshov.* II., c. xvi. Mansi, t. xii. 400; cited by Villien.

The days of the Litanies were at first observed very rigidly as fast days.

Advent.—The season of Advent has been observed with fasting at some times and places. In the sixth century the Mondays, Wednesdays, and Fridays from November 11 to Christmas were treated as compulsory fast days in the kingdom of Burgundy, and a little later the same observance was established in England and Germany, where, strangely enough, it was defended as identical with the fast proclaimed in the *ninth month* of the fifth year of Jehoiakim (Jer. xxxvi. 9). Later on it became either voluntary or confined to Religious; but, according to Innocent III., it was still regularly kept in Rome in the thirteenth century. In much later times certain days in Advent have from time to time been appointed as fast days.[1] But these have been cases of permission given by the Pope in certain countries to substitute a moderate amount of fasting in Advent for a greater amount at other times in the year. Some of the fasting which would normally have been exacted in Lent, or on the less important vigils, was allowed to be transferred to Advent. But, as we shall see, the new Codex has abolished even these reminders of the earlier discipline.

The Distinction between Fasting and Abstinence.—Fasting means going without food: abstinence means abstaining from certain kinds of food, especially flesh meat. But the sharp distinction between days of fasting and days of abstinence is not primitive. Originally all such days were fast days, and some degree of abstinence was also demanded. The only distinctions were (1) between the very severe abstinence known as

[1] Villien, *op. cit.*, pp. 272-276.

xerophagy and the less rigid observance which consisted in abstaining from the richer kinds of food, and (2) between the days in which the fast might be broken in the afternoon and those on which it continued till evening or even midnight.

It must be remembered that at the beginning of our era the universal time for the principal meal of the day was about noon. Lighter refreshment would be taken in the evening. The essence of fasting was therefore the deferring of the principal meal, so that no further nourishment was needed until next day. In primitive times Good Friday and Holy Saturday were observed, by some at any rate, as complete fasts, in which no food at all was taken; on ordinary fast-days no food was taken until evening; on half-fasts the fast might be broken at 3 p.m. As the number of fast days increased, the rigour with which they were observed naturally tended to diminish. According to the *Apostolic Constitutions* it was only in Holy Week that the fast was observed till after Vespers, on other days food might be taken after None. The *Didascalia* also gives 3 p.m. as the hour at which fasting ends. There is a relic of this discipline in the regulation of the *Missale Romanum* that Mass on fast days is said after None. In modern times the offices are anticipated so as to make this possible for those of modern habits; but the original idea was that Mass should be celebrated on these days in the afternoon. Alexander of Hales connects the hour with that of our Lord's death. But the other view, that fasting only ends with the day, was also maintained as late as the twelfth century, and is embodied in Gratian's *Decretum*.[1]

[1] Villien, *op. cit.*, pp. 261-263.

In the thirteenth and fourteenth centuries the era of real relaxation begins. First the fast-day meal is put forward to 12 o'clock. Then it begins to be found impossible to do without some refreshment in the latter part of the day. At least there could be no harm in water or wine, which contain little or no nourishment. But a draught of liquid refreshment by itself on an empty stomach does not suit everyone. Thus even St. Thomas, who still insists on the hour of three, allows what he calls electuaries (*i.e.*, according to M. Villien, " more or less liquid jellies, preserves, candied fruit "), provided that they are taken in small quantities, as medicine rather than food.[1] This is the origin of the " collation," the sparse refection of light foods which soon came to be universally taken in the evening of a fast day. In theory this was a mere digestive, but in practice it finally took on the character of a light meal.

Much the same thing happened as regards the morning, though with less excuse, the rigorist would say. When once the theory had been accepted that *potus non frangit jejunium*, it seemed to require no permission to take a morning draught. The " electuaries " followed, as being more of the nature of liquids than solids; and finally, *ne potus noceat*, a *frustulum—i.e.*, a morsel of bread or some similar substance —was allowed. The morning refreshment, however, on fast days has always been much lighter than the evening collation.

But in other ways the history of fasting from an even earlier date has been almost entirely one of relaxation. This has taken place in four directions: (1) The sub-

[1] Villien, *op. cit.*, pp. 265-266.

stitution of simple abstinence for strict fasting; (2) the abolition of the stricter forms of abstinence which formerly accompanied fasting; (3) a liberal use of dispensation; (4) (for Catholics of the Latin rite) the actual abolition of some fast days, and the devising of a new form of mortification which consists of fasting without abstinence.[1] We must remember also, in regard to the whole matter of fasting in the early middle ages, that most of our evidence comes from the decrees of Popes and Councils who were trying to get a certain standard observed. It is by no means certain that their good intentions always took effect. Nor can we suppose that discipline was identical in all places. In regard to Wednesday and Friday, Ratramnus of Corbie states plainly that some churches fasted and some did not.[2]

1. In this matter Northern Europe, as we should expect, took the lead. The Council of Rhispach (A.D. 799, 800) imposed, on the clergy only, a simple abstinence from flesh and wine on Wednesdays and Fridays. Half a century later in Rome Nicholas I. is still insisting on a strict fast on both days. In 990 the Council of Anse made Wednesday a day of abstinence, but Friday a fast. In 1050 in Spain Friday is a fast, but the meal is not to be taken so late as to interfere with ordinary work.

By the time we come to the later middle ages it seems clear that abstinence from flesh is all that is required on Fridays, and that even abstinence on

[1] For a discussion of the obligations of Anglicans see pp. 87 *sqq.*

[2] Quoted by Villien, *op. cit.*, p. 284. But the author, or his translator, seems to have misunderstood the text, which he paraphrases as meaning that it was left to the choice of individuals.

Wednesdays has ceased to be of obligation. M. Villien quotes Fagnani as stating, on the authority of Innocent IV. (1243-54), that this was the common opinion, although some theologians still held to the view that Friday was a fast.[1]

The Saturday fast was never so generally observed. It was, as we have seen, a definitely Western, not to say Roman, institution. It seems never to have established itself very definitely anywhere except in Rome and in the churches immediately depending on the Roman see. It gradually lapsed into an abstinence, precariously observed and in most places dispensed from by indults dating over periods of ten or twenty years. It has now in the new Codex been definitely abolished.

In regard to the Rogation Days and April 25 there is much the same story to tell. Having regard to the date at which they were instituted, it is difficult to suppose that mere abstinence in the modern sense would have contented the authorities of the Church, though as regards the former Villien quotes the Council of Orleans[2] (A.D. 511) as ordering *Omnes abstineant et quadragensimalibus cibis utantur.*[3] If this does mean mere abstinence from flesh, it is no doubt connected with the even more ancient discipline which forbade fasting in Eastertide. In any case, the days of both the *Litaniæ* were soon observed as strict fasts. In the thirteenth century mere abstinence from flesh begins to be substituted, though attempts are made to insist on fasting for the clergy. Even abstinence finally

[1] For a full discussion see Villien, *op. cit.*, pp. 277-286.
[2] Session 25.
[3] *Op. cit.*, p. 249.

disappeared, at first by way of Papal indults, and finally, for Roman Catholics, by deliberate omission from the canon law.[1]

The Council of Trent does not seem to mention abstinence, as distinct from fasting, and Dr. Maclean states that no such distinction was observed by English Roman Catholics until 1761.[2]

2. The severity of abstinence has likewise been modified to an enormous extent during the history of the Church. Until about the ninth century it may be roughly stated that the abstinence required on fast days included the disuse not only of meat, but also of eggs, milk and lard. In earlier times wine also was forbidden. On certain days an even stricter abstinence was kept, though probably the Northern countries never attained to the rigorous abstinence practised in the South and East. Gradually, however, meat and soup made therefrom came to be the only forbidden food. This probibition was maintained in theory for all days of fasting until the issue of the new Codex; but in practice for some centuries it had been modified for Latin Catholics by lavish dispensation. It thus became possible to observe most of the days of Lent by fasting without any form of abstinence, except, indeed, that by a regulation of Benedict XIV. flesh and fish might not be taken at the same meal.

3. Nor was it difficult to obtain a dispensation from fasting as well, so that the observance of Lent could be whittled down to abstinence from meat on Wednesdays and Fridays, or Fridays and Saturdays.[3]

[1] Villien, *op. cit.*, pp. 252-254.
[2] *Encyclopedia of Religion and Ethics*, *s.v.* " Fasting."
[3] For the details, see Villien, *op. cit.*, pp. 303 *sqq.*

4. The Codex has established fasting without abstinence as the definite rule for most days in Lent,[1] and has even abandoned the regulation forbidding the combination of meat and fish at the same meal.

The present canon law of the Latin Church is as follows:

Abstinence forbids flesh-meat and soup made therefrom, but allows lard and the like.

Fasting permits one full meal; but some food, according to local custom, may be taken in the morning and evening. This must not amount to a full meal, and no meat or soup may be taken. The older moralists specified two ounces as the amount of the morning *frustulum*, and eight ounces as that of the evening collation. The present law seems to be deliberately vague.

The moralists debate the question as to the length of time which may be taken over the principal meal. The decision is that it should not be prolonged for more than two hours, unless one has guests ! If an interruption occurs, one may continue the meal at a later time: but the interruption should not be allowed to last more than half an hour.

The principal meal may be taken, if desired, in the evening, and the collation at midday.

Abstinence only is observed on Fridays.

Abstinence and fasting are observed on Ash Wednesday, Fridays and Saturdays in Lent, Ember Days, and the vigils of Easter (until midday), Pentecost, the Assumption, All Saints' Day, and Christmas.

(In some countries, including England, France, and America, Wednesdays in Lent are substituted for

[1] *C.I.C.* 1252, §3.

Saturdays, in accordance with long-standing custom, and abstinence is not required on Ember Saturdays, except in Lent, nor on the vigil of Pentecost.)

Fasting only is observed on the other weekdays in Lent.

No fasting or abstinence need be kept on Sundays in Lent,[1] nor on Saturdays when observed as the vigils of feasts falling on Mondays, nor on any feast of obligation,[2] unless it fall in Lent.

Abstinence is to be observed by all from the age of seven: fasting from twenty-one to fifty-nine.[3]

Ordinaries and parish priests may dispense individuals for good reasons. Ordinaries may also dispense their dioceses either on grounds of health or because of great assemblies of people. (This would no doubt cover all popular holidays.)[4]

Besides actual dispensations there are certain customary exceptions. The general principle is that one must not fast in such a way as to spoil one's work, or to inflict very serious inconvenience, or to injure one's health. Thus ill-health, poverty, and hard manual labour are recognized excuses for not fasting. Nor, indeed, is it only manual labour which is so recognized. A doctor whose work is very exacting need not fast. A priest who is preaching daily or almost daily in Lent, or conducting a mission, or sitting in the confessional for seven or eight hours a day is excused.[5]

[1] In the middle ages flesh was forbidden even on Sundays in Lent, and this restriction was only very gradually removed.

[2] This is modern. Until 1895 the only relaxation was that the bishop might dispense from the Friday abstinence on Christmas Day. [3] *C.I.C.* 1250-1252. [4] *C.I.C.* 1245.

[5] E. Dublanchy in *Dictionnaire de Théologie Catholique*, Vacant et Mangenot, *s.v.* "Jeûne."

So, also, there are certain classes who are excused from abstinence: the sick, the infirm, beggars, labourers, those who find it difficult to obtain fish, wives and children if the practice enrages their husbands or parents.[1]

The Orthodox régime is far more severe in regard to abstinence, and to the number of days observed. But there does not seem to be any exact ruling as to the quantity of food which may be eaten on a fast day, nor any sharp distinction between days of fasting and days of abstinence. But there is a distinction as to the kind of abstinence which is demanded on fast days.

On all Wednesdays and Fridays, and throughout the Major Lent, and on the vigils of Christmas and Epiphany, xerophagy is observed—*i.e.*, nothing may be eaten but bread and water, salt, fruit and vegetables (but wine and oil are allowed by custom).

During the Lent of the Apostles (from the Monday after our Trinity Sunday, the Orthodox feast of All Martyrs, to June 29), the Lent of the Panagia (August 1 to 14), Advent (November 15 to December 24), on August 29 (the Beheading of St. John Baptist), and September 14 (Holy Cross Day) there is abstinence from meat, eggs, milk, and sometimes also fish.

What, then, is the duty of Catholic-minded Anglicans in the matter of fasting and abstinence? It is obvious that we are obliged to take some definite steps in the matter. It is not enough to say that we will endeavour to mortify our bodies, or even that we will observe the fast days. The Church as a whole believes in cor-

[1] O'Neill, *Catholic Encyclopedia*, *s.v.* "Abstinence."

porate fasting according to rule, and the English and other Anglican churches have always set apart certain days as fast days, and have never officially indicated any desire to depart from what the Church means by fasting. The only difficulty is that the strict law of the English Church, as laid down in the Book of Common Prayer, is so severe that it can never have been observed by more than a negligible minority of the faithful. No minority is negligible if its principles are true: but in this case it would be almost universally admitted that the principle of multiplying fast days of a severe character has been tried, and, so far as Western, and especially North-Western, Christendom is concerned, found wanting. It is not possible to get the faithful as a body to keep all these days so strictly; and it is more than doubtful if it is even desirable. Health would suffer, tempers would suffer, efficiency would suffer. Frankly, we no longer believe in extreme mortification, except as a special vocation; and even in that case we do not believe in it as much as the early Church did. The craze for mortification is neither primitive nor Catholic. It began in a sort of rivalry with Montanism, and it ended in a whole set of rules which had to be evaded by constant dispensation, and finally, to a very large extent, by abrogation. Unfortunately, in too many cases, the result has been to make fasting and abstinence little more than symbolic.

As we have seen, the distinction between fasting and abstinence, so far as this country is concerned, seems to be first heard of as a Roman Catholic regulation of the eighteenth century. It seems obvious, therefore, that it can have no direct authority to release us from the obligation to treat all the "days of fasting or

abstinence" as fast days. If the Bishop of Moray and Ross is right (and Dr. Maclean is an instrument of precision), "fasting" and "abstinence" were synonyms in England in 1661.[1] Therefore, from a strictly legalistic standpoint, it might seem that an English churchman is obliged both to fast and abstain from meat on all the days set down in the Book of Common Prayer—*i.e.*, roughly, on a hundred days every year. The same is true of Ireland and Canada. In any case it is only Fridays and Rogation Days which can be treated as days of mere abstinence.

On the other hand, we must notice the evidence of the homily "Of Fasting," which seems to imply that by statute law *all* the fast days had been changed into abstinence days. It defines the practice as "the withholding of meat, drink, and all natural food from the body," and also as "restraint from some kinds of meat and drink." It maintains, however, that the Church has power to alter such customs, and proceeds: "Now that two meals be permitted on that day to be used, which sometimes our elders in very great numbers in the Realm did use in only one spare meal, and that in fish only. . . ." The use of fish in obedience to the law is inculcated, but apparently for purely commercial reasons, "whereby the encrease of victuals upon the land may the better be spared and cherished, to the sooner reducing victuals to a more moderate price." From the arguments employed it might be supposed that the religious ideal of fasting had given way entirely to the utilitarian. This was no doubt the case with the average lay person of this date. A contemporary

[1] It may be noted that the rubric after the Nicene Creed speaks only of "fasting days."

Act of Parliament ordering the observance of Wednesdays as fish days states this quite plainly: "Because no manner of person shall misjudge of the intent of this statute . . . but that the same is purposely intended and meant politicly for the increase of fishermen and mariners and repairing the port towns and navigation, and not for any superstition to be maintained in the choice of meats; be it enacted that whosoever shall . . . notify that any eating of fish and forbearing of flesh is of any necessity for the saving of the soul of man or that it is the service of God, or otherwise than as other politic laws are and be, that then such person shall be punished."[1] But the first part of the homily on Fasting is largely occupied with the commendation of the practice on religious grounds. While, therefore, the homilist asserts that "the laws of princes . . . are grounded merely upon policy" and are to be obeyed on the sole ground that obedience is a duty, yet the very title of the homily, "Of Good Works: and first of Fasting," shows that in the mind of the English Church of Elizabethan times fasting had a real religious value.

So far as practice is concerned in the post-Reformation period, we have the evidence of an Act of Parliament of 1548 which ordains that meat is to be avoided on "all days formerly accounted fasting days," and actually mentions Fridays and Saturdays, Lent, Ember Days and Vigils.[2] An Act of 1552 gives the same list, omitting the Ember Days, and adds "any other day appointed to be kept as a fasting day."[3] Acts of the

[1] 5 Eliz., 5. [2] 2 & 3 Ed. VI., 19.
[3] The same Act, however, enacts that no other day shall be commanded to be fasted.

reigns of Elizabeth and James I. make the same provision. That these Acts were not dead letters is proved by the existence of licences to eat flesh in Lent dating from the sixteenth and seventeenth centuries.[1]

If, then, it be agreed that under modern conditions some relaxation ought to be made, the question arises in what quarter we should look for it. All ascetic theologians are agreed that self-chosen mortifications are dangerous to the health of the soul. It seems, therefore, that we must put ourselves under some rule which comes with authority. Ideally we should wish for some episcopal directions; but in view of the fact that these would be received with widespread contumaciousness, it is not reasonable to ask the Bishops to issue definite regulations. We are thrown back, therefore, on authorities which do not strictly bind us at all, but to which we can give a willing obedience. There are two practical alternatives. One is to use the regulations of the Latin canon law as though it were binding on Anglicans. This has the advantage of relying on a living and practical tradition modified by the experience of recent centuries. The rules of the present Codex are eminently sensible, and within the compass of possibility.[2] At the same time the fact that they are not directly binding on Anglicans makes it possible to modify them to some extent to meet individual needs without scruples of conscience. The other

[1] Maclean, in *Liturgy and Worship*, pp. 247, 248. Thus, in 1619: "I . . . parson of the Church of St. Mary, Newington, do give licence to . . . being notoriously sick, to eat flesh this time of Lent . . . provided always that she eat no beef, veal, pork, mutton, or bacon."

[2] It will be remembered that the Codex itself makes ample provision both for relaxation under particular circumstances and for dispensation in doubtful cases.

alternative is to accept the regulations of the proposed 1928 Prayer-Book as though they had canonical authority. If this Prayer-Book had been enacted by Convocation, as had been intended, of course there would have been no more to be said; the Church of England would have reformed her law of fasting, and this would have been our authority. As things are, however, it seems that we have the right to make a choice.

If we choose the 1928 Book as our authority, it may perhaps be presumed that the modern distinction between fasting and abstinence is to be taken account of; and that we are at liberty to keep Fridays and Rogation Days as days of abstinence without fasting, and the days of Lent (apart from Wednesdays, Fridays, the Ember Saturday, and Holy Week)[1] as days of fasting without abstinence. In that case there is little difference between the proposed English rule and that of the Codex. The exempt Fridays are those which may happen to fall on Christmas Day or the Epiphany or in the octaves of Christmas, Easter or Ascension Day. The vigils to be fasted are those before the feasts of Christmas, Pentecost, St. John Baptist, All Saints, and St. Andrew, and these vigils are to be observed with fasting, whether or no they are anticipated through the falling of the feast on a Monday. The Rogation Days, as we have seen, are included.

In America the case is slightly different, inasmuch as there is a new authoritative law, though of a somewhat vague character. First, two days are mentioned

[1] Holy Week would have to be excepted because Ash Wednesday and the Monday to Saturday before Easter are put in a class by themselves as "Greater Fasts and [not *or*] Days of Abstinence."

as " fasts," Ash Wednesday and Good Friday. Then follow " other days of fasting on which the Church requires such a measure of abstinence as is more especially suited to extraordinary acts and exercises of devotion." These are the days of Lent, the Ember Days, and all Fridays except Christmas Day, Epiphany, and any Friday which may intervene between these feasts. The Rogation Days are mentioned merely as " days of solemn supplication." There is no mention of fasting on vigils.

In South Africa there is under consideration a new set of regulations which, if approved, will officially accept the distinction between fasting and abstinence, though not quite in the traditional form. It is proposed that the following shall be days of fasting (" that is, days on which no meat is taken and the quantity of food is lessened ")—Ash Wednesday, all Fridays in Lent, Friday in the September Ember Week, and the vigil of St. Andrew; and that the following shall be days of abstinence (" that is, days of self-denial, either by abstinence from meat, or by some other form of self-discipline ")—all Fridays, except Christmas Day; the Epiphany and the Fridays in the octaves of Christmas, Easter, and the Ascension; the days of Lent, the vigils of Christmas Day and Ascension Day.

CHAPTER VI

TWO LAWS ABOUT MARRIAGE

A.—Kinship as an Impediment to Marriage

If it be granted, as it would be, universally, among modern civilized races, that the very idea of marriage between two near relatives of the same blood is too odious to be entertained, it seems to follow that it is forbidden by some principle which deserves to be called a natural law. That being so, it is inevitable that the Church should endeavour to give precision to such a law for her own members. "Near kinship" is a vague phrase. When does kinship cease to be near? It is obvious that this is a case for some magisterial authority.

It can hardly be maintained that natural law carries us very far. There are no relationships, except those of the direct line,[1] which have been universally reprobated. Even so highly civilized a nation as the ancient Egyptians at one period were accustomed to mate the brothers and sisters of the royal line: and it is possible that our natural repugnance even to such a relationship is acquired rather than innate. If it is believed that inbreeding is destructive of the physical vigour of the race, a horror of such a practice may easily be fostered by public opinion. The principle of exogamy may be very useful to prevent the forma-

[1] *I.e.*, parent and child, or grandparent and grandchild.

tion of small clans; but, conversely, for the preservation of a clannish *esprit de corps* it may be advisable to inculcate a great horror of marriage with a "foreigner."

But for Christians a further question arises. Is there a positive Divine Law revealed? We can, of course, point to the Old Testament. It is not difficult to trace there a course of increasing stringency in this matter.

The literalist interpreter would begin with Cain and Seth, who must in the nature of things have married their own sisters. So also Abraham is divinely led to marry his half-sister.[1] The parents of Moses are apparently nephew and aunt.[2] Tamar seems to expect Amnon, her half-brother, to marry her.[3]

Deuteronomy forbids marriage with step-mother, half-sister, and mother-in-law,[4] and it is such practices as these which, according to Ezek. xxii., are calling down the Divine judgments on Jerusalem.

The Levitical legislation carries the matter a long step further.[5] Beginning with the principle "Thou shalt not approach" sexually "thy near of kin," the legislator works the matter out logically on the theory that affinity is equivalent to consanguinity. The wife of "thy father's brother" is "thine aunt."[6] This is the principle which underlies Parker's *Table of Kindred and Affinity* (issued in 1563). The theory is not, how-

[1] Gen. xx. 12.
[2] Numb. xxvi. 57-59.
[3] 2 Sam. xiii. 13, 16.
[4] Deut. xxvii. 20-23.
[5] Lev. xviii. 7-17, xx. 11-21. All except extreme traditionalists would now agree that Deuteronomy is earlier than Leviticus. The date of the former seems to be *c.* 620 B.C. The latter is apparently a codification of regulations issued at different dates between 597 and 444. (See *A New Commentary on Holy Scripture ad locc.*)
[6] Lev. xviii. 14.

ever, worked out as completely in Leviticus as in Parker's *Table*. In particular, the prohibition of marriage with a sister-in-law (Lev. xviii. 18) seems to be only a prohibition of having two sisters to wife at the same time. Moreover, as is well known, the Deuteronomic code, following in this respect a custom older than itself, actually insisted on a man marrying his deceased brother's wife in case the original pair were without male issue.[1] This provision was still in vigour in the time of our Lord. But, apart from this particular case, marriage with a husband's brother is forbidden by Lev. xviii. 16.

This Jewish list of impediments to marriage seems, at first sight, to be a part of the ceremonial law. If it were no more than that, it would, of course, be abrogated by the Christian dispensation. There is certainly no other provision in the Book of Leviticus the observance of which would be urged by any Christian teacher on the sole ground of its being contained in the "Mosaic" law. Doubts have therefore been raised whether there is any direct and permanent Divine Law which carries us further than the "natural" law which forbids marriages between parent and child. The Church has, on the whole, been chary of asserting that any particular marriage is contrary to God's Law, provided only that the parties are free to marry at all.

It should, however, be pointed out that these particular passages in Leviticus do appear to pass a *moral* condemnation upon sexual intercourse between those who are near of kin. The other sins mentioned in conjunction with these offences are immoralities universally condemned. Moreover, such intercourse

[1] Deut. xxv. 5-10. *Cf.* Gen. xxxviii; Ruth i. 11-13.

is reprehended even outside the limits of the chosen race, a fact which at once removes it from the sphere of merely ceremonial regulations. It is part of the wickedness on account of which the land of Canaan " vomited out " its original inhabitants. But, even so, it cannot be denied that modern views of inspiration and of the date and character of Leviticus reduce the weight of the argument for the directly Divine origin of this legislation.

There are complications about the Marriage Precept which do not arise in regard to any of the others. If a Catholic breaks a fast without sufficient reason he has sinned, and needs forgiveness. When once he is forgiven, the matter is at an end. But Christian marriage is an act which has permanent effects. As a result of it the man and woman become related to each other indissolubly. If the so-called marriage is contrary to natural or Divine Law, what then? Are we to say that the parties have sinned and must repent and be forgiven, but that the results of their action abide—*fieri non debuit, factum valet*? Or was their action null and void from the beginning? In other words, ought they to separate? In an extreme case, if, *e.g.*, a father went through the form of marriage with his daughter, all would agree that the resulting relationship was in itself immoral—not marriage at all, but incest. Clearly they must separate. The question that arises is, At what degree of nearness of kin does this principle apply? Does it apply to brother and sister, to uncle and niece, to half-brother and half-sister, to cousins, near or distant? Does it apply when there is no blood-relationship, as between step-father and step-daughter, or brother-in-law and sister-

in-law? Apart from the authority of the Church, it is very difficult to find an exact answer.

A further complication results from the fact that the marriage contract has two aspects, the ecclesiastical and the civil. If the Church declares that a marriage is contrary to the Divine Law, and therefore null and void, it is to be presumed that members of the Church will accept her ruling, and consider that in such cases no marriage has taken place, and that the parties must separate. But as a matter of history the Church, as we have seen, has usually refrained from making any such pronouncement. Apart from "marriages" in the direct line (as, *e.g.*, between father and daughter), it is not easy to say that the Church has always pronounced any degree of nearness of kin to be in itself destructive of the possibility of marriage[1]—that is a point which has been argued by theologians—but she has made very extensive claims to regulate the matter by her own authority, and has not hesitated to pronounce marriages to be null and void for no reason except that she has forbidden them. We should notice what is implied by this. It is not a claim to destroy the effect of the contract. The Church could not do this consistently with her own principles. For the contract *is* the marriage.[2] If the contract is valid, the marriage is valid and cannot be destroyed. The Church has never claimed to nullify a Sacrament,[3] and has always held that the conditions of the Sacrament

[1] The only impediment actually specified in the Codex as being by the law of nature destructive of marriage is that of impotence. (*C.I.C.* 1068.)

[2] This at any rate is the teaching of Western theology.

[3] Except, indeed, that the Pope claims power to dissolve a marriage which has not been consummated. (*C.I.C.* 1119).

are outside her own power to alter.[1] The claim of the Western Church, leaving the post-Reformation Church of England on one side for the moment, is to make certain contracts impossible *ab initio*. The Church claims power not only to decree impediments to marriage, but to make such impediments destructive of the marriage contract itself. This is what is called, in scholastic language, a *diriment* impediment.[2] Conversely, the Church has claimed a very wide power of dispensation from such impediments. So it came to pass that according to mediæval law a marriage between cousins (at some dates even remote cousins) was null and void without dispensation.[3] On the other hand, dispensations might be granted for a marriage between uncle and niece. Many theologians held that theoretically dispensation was possible even for marriage between brother and sister, step-father and step-daughter, grandparents and grandchildren, although no such case had ever arisen.[4] The Council

[1] The Cyprianic, and Orthodox, view of Baptism is not really an exception to this. St. Cyprian and the Orthodox world held that Baptism is an act of the Church and that therefore Baptism outside the Church is in itself invalid; not that the Church by her own act has invalidated it.

[2] An impediment which merely forbids a certain marriage, but allows its validity if it has taken place, is called *impedient*.

[3] It should be noticed that according to Latin canon law any marriage for which a dispensation might have been granted can be validated *in radice—i.e.*, the Pope can give a retrospective dispensation. For the modern regulations see *C.I.C.* 1138-1141.

[4] So St. Thomas, according to Scavini, *Theol. Mor.*, XII. III. ii. 1, 2. 2, who also cites Liguori, *Opus Mor.* 1-6, *n.* 470. St. Thomas justifies the existence of the impediment of consanguinity on the following grounds: (1) That marriage outside the immediate family circle is a means of extending ties of friendship; (2) that non-marriageability maintains that reverence which should subsist between blood relatives; (3) that it gets rid of any

of Trent laid it down that dispensations for marriage within the second degree of consanguinity were not to be granted, *nisi inter magnos principes et ob publicam causam.*[1]

Jewish Christians no doubt continued to observe the Levitical regulations. Our Lord is not recorded to have made any comment upon them, even when the Sadducees brought up an extravagant case of the "Levirate Law."[2] Gentile Christians at first were probably content to accept the civil law of the Roman Empire, which differed but little from that of the Jews. In particular both systems allowed (at any rate in practice) marriage with a deceased wife's sister.

About the year 200 we find that Tertullian asserts that St. John the Baptist's rebuke of Herod Antipas was provoked especially by the fact that Herodias had been his brother's wife, and assumes that her former husband was dead.[3]

The Apostolical Canons (probably third century) are illuminating as to this point. No one may be admitted to Holy Orders who has been married twice since his Baptism. No one who has married two sisters may be admitted to minor Orders.[4] Thus, according to the system contemplated by the Canons, the Church disapproves of marriage with a wife's sister even more strongly than of second marriages, but in neither case does it seem that there is any question of excommunication, still less of nullity.

The Council of Eliberis makes a sharp distinction

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temptation to unchastity in hope of subsequent marriage (*Summa Theol.* II. ii. 144. 9).

[1] Sess. xxiv. 5.
[2] St. Matt. xxii. 23-33, and parallels.
[3] *Adv. Marc.* iv. 34.
[4] Canons 16, 18.

between marriage with a wife's sister, which is visited with five years' excommunication, and marriage with a step-daughter, which is incestuous and is punished by perpetual exclusion from Communion.[1]

But about the same date the Council of Neo-Cæsarea (315) took a very different line in regard to marriage with a husband's brother. The woman in this case was to be excluded from Communion till death, except that she might be communicated on her deathbed if she promised to break off the union in case death did not, after all, take place.[2] Such a marriage is clearly treated as null and void.

St. Basil considers that marriage with a wife's sister is forbidden by the *implications* of the Divine Law, as set forth in Leviticus. Such marriage is therefore null.[3]

The Roman Synod of 402 decided that marriage with a wife's sister or an uncle's wife was unlawful.[4]

By this date, then, we seem to have reached a settled principle. All marriages purporting to have taken place within certain near degrees of kindred are void: and the degrees in question are those which are either contained in the Levitical legislation or implied by a consistent use of the principles which underlie it. This is the principle on which our own Table of Kindred and Affinity is compiled, and it can rightly claim to correspond with the mind of the Church of the fifth century, both in the scope of its provisions and in its contention that this precisely, no more and no less, is the Divine Law on the subject of Forbidden Degrees.

[1] Canons 61, 66.
[2] Canon 2.
[3] *Canonical Epistles*, Canon 87.
[4] Canons 9, 11.

As time went on, however, the number of diriment impediments was immensely increased. Indeed, it grew so great that it was very difficult to know in any particular case whether any such impediment existed or not. Such a situation was very profitable to the ecclesiastical lawyers, who, as might be expected, were kept busy arranging for dispensations for marriages between distant cousins. This reached its climax in the eleventh century, when it was actually laid down that the seventh degree of *affinity—i.e.*, sixth cousin by marriage—was a diriment impediment.[1] Such an impediment was set up even by unlawful intercourse.

No one supposed that all this was a matter of the Divine Law: it was merely that the Church had power to lay down the conditions of a valid contract. If the matter of the Sacrament of Matrimony (which is the contract) never comes into existence at all, the Sacrament cannot exist either; just as corrupted wine is not, and cannot, be consecrated, even if the words of consecration are pronounced.[2] When, however, there is a positive Divine Law, or when natural law makes plain the will of God in the matter, there can be no question of dispensation. The Church, according to the canonists, may prevent certain contracts from coming into existence by merely ruling that they are not possible. But she cannot make a marriage contract possible where God declines to execute the deed. *Therefore*, so runs the argument, if the Church or the Pope grants dispensation for any particular form of marriage, that proves that the impediment which bars

[1] Reduced by the Fourth Lateran Council to the fourth degree, whether of consanguinity or affinity. Scavini, *op. cit.*, XII., III. ii. 2, 1, 2, 1.

[2] Scavini, *op. cit.*, XII. III. ii. 1.

it is merely ecclesiastical. The argument had to bear a considerable strain before the middle ages had run their course. In 1427 Martin V. granted a dispensation to the Comte de Foix either to marry his wife's sister or to continue in union with a woman whose sister he had formerly seduced. Eugenius IV., on the other hand, disclaimed any right to grant permission to the Dauphin to marry his wife's sister. Such a dispensation was, however, granted by Alexander VI. to the King of Portugal, and the same notorious Pontiff also allowed the King of Sicily to marry his aunt (by blood).[1]

In the sixteenth century there arose another case, in which it was highly important, for dynastic reasons, to get a clear ruling as to the point at which the prohibition of marriage on such grounds was part of the Divine Law. Henry VIII. of England had married his deceased brother's wife by dispensation, and greatly desired to be quit of her. If the dispensation were valid, no power on earth could annul his marriage. But if, as some theologians maintained, marriage with a deceased brother's wife was contrary to Divine Law, then the dispensation was invalid, and the King's marriage was invalid also, and he could get rid of Katherine. The case was decided against the King, and, as is well known, the decree of nullity was pronounced by the Archbishop of Canterbury in defiance of the Pope. Henry married Anne Boleyn, and the issue was Elizabeth. It is clear, then, that Elizabeth's

[1] According to O. D. Watkins (*Holy Matrimony*, pp. 705, 706) dispensations to disregard these impediments have frequently been granted during the eighteenth and nineteenth centuries. On the whole subject, see Watkins, *op. cit.*, c. x.

title to the throne depended on a point of moral theology—that marriage within the first degree of affinity was contrary to the Divine Law, and therefore a dispensation, by whomsoever given, was invalid. It was not therefore unnatural that Elizabeth's Archbishop, Parker, should be moved to issue a "Table of Kindred and Affinity" based on the text of Scripture and not on any ecclesiastical list of diriment impediments. The principles of the text of Leviticus, though not completely worked out, seem to be (1) that marriages in the direct line or within the first degree of the collateral line are forbidden; (2) that affinity is equivalent to consanguinity. These principles are worked out in detail in Parker's list, which was at first the law of Church and State alike. Parker's Table is definitely adopted by No. 99 of the Canons of 1603, as follows: "No person shall marry within the degrees prohibited by the Law of God and expressed in the Table set forth by authority in the year of our Lord God 1563; and all marriages so made and contracted shall be judged incestuous and unlawful, and consequently shall be dissolved, and the parties so married shall by course of law be separated." It is possible that this merely means that such marriages are voidable; but, in any case, under an Act of William IV. they are actually void. In recent years an exception has been made by the civil law for the cases of wife's sister and husband's brother, and niece or nephew by marriage.

Meanwhile the discipline of the Latin Church has been made less severe. According to the Council of Trent,[1] the forbidden degrees were (1) all relationship

[1] Sess. xxiv., c. 4.

in the direct line; (2) consanguinity and affinity by lawful intercourse as far as the fourth collateral degree (*i.e.*, third cousins, but not third cousins once removed); (3) affinity by unlawful intercourse as far as the second collateral degree; (4) the spiritual kinship set up between the subject of Baptism or Confirmation and his or her parents on the one part, and the minister[1] and sponsors[2] on the other.[3] In earlier times this type of impediment reached still further.[4]

Under the present code relaxation has gone further. The forbidden degrees are now (1) all relationship in the direct line; (2) consanguinity as far as the third collateral degree (*i.e.*, second cousins, but not second cousins once removed); (3) affinity as far as the second collateral degree (*i.e.*, first cousins by marriage, but not first cousins by marriage once removed).[5] Affinity cannot now be established by unlawful intercourse. Dispensation may be given for consanguinity in the collateral line, except in the first degree (*i.e.*, not for brother and sister), and for any degree of affinity.[6] Baptismal sponsors no longer contract spiritual kinship with the parents of the subject, and no such kinship at

[1] Under the Latin canon law this, of course, presupposes that the minister was a lay person.

[2] *I.e.*, if the Baptism was public. It is considered probable that sponsors at a private Baptism do not contract this kinship.

[3] Sess. xxv., c. 2.

[4] Scavini, *op. cit.*, XII. III. ii. 2, 2, 1. This impediment of *cognatio spiritualis* is first heard of in the eighth century, when marriage between the subject of Baptism and his godmother was forbidden.

[5] *C.I.C.* 1076, 1077.

[6] In theory all matrimonial dispensations are under the control of the Pope, but for many of them faculties are issued to diocesan bishops. *Sanatio in radice* is reserved to the Pope himself (Canon 1141).

all is set up at Confirmation.[1] In regard to any impediment arising from adoption, the Latin Church is now content to follow the civil law.[2]

The Orthodox Church of the East has condemned the marriage of first cousins since the time of the Council of Trullo (A.D. 692). In the eighth century the marriage of second cousins was condemned, and later still the prohibition was extended to second cousins once removed.

So far, then, as the West is concerned, the position is that the Latin Church stands for a strict discipline in the matter, but frankly confesses that a great deal of it is imposed simply by her own authority; while the English Church, though upholding a slightly laxer code, maintains officially that the whole of it rests on the authority of God; from which it would inevitably follow that the Church has no power to dispense from it. The English State is content to follow the Church with the exceptions noticed above. It is these exceptions which make the matter important. No one is likely to claim to be a faithful churchman who marries in defiance of Church and State alike. But cases of marriage with deceased wife's sister and the like do occur, and those who contract them are not always consciously rebels against the Church, still less against God. Of course, on Church principles, they are acting wrongly, for they are doing what is forbidden by the Church, without dispensation. Indeed, the English Church is clearly precluded by her own canon law from giving such dispensation. But what is their position when they have

[1] *C.I.C.* 768. It should be noticed that the Latin canon law allows only one sponsor, or two at most, at Baptism (*C.I.C.* 764) and Confirmation (*C.I.C.* 794).

[2] *C.I.C.* 1080.

done it? Is their marriage valid? or can it be validated? If the English canon is right, the answer to both questions must be in the negative. They are in the same position as divorced persons who have gone through the form of marriage with someone other than their canonical spouse.

But the question arises whether the very strong language of Canon 99 can be fully justified. Certainly, if we were forming a list of prohibited degrees *a priori*, we should certainly place within it that which is the nearest collateral degree of affinity, wife's sister or husband's brother. Certainly, also, the tradition of the Church is very strongly against the permission of such marriages. But it is only by inference that they can be said to be against the Divine Law, and it will hardly be maintained that they are contrary to the natural law. As we have seen, the teaching of the Church has varied. During a part of her history she has acted on the principle that they are forbidden by God: but both the primitive Church and the modern Latin Church have assumed that the prohibition is ecclesiastical.

In these circumstances it seems that the language of the canon needs some modification. The question of positive Divine decrees in this matter is so difficult that it would be far better to have a canonical statement that certain degrees of relationship are by natural law[1] diriment impediments to marriage, on the ground that all civilized communities would now agree that they are abhorrent. Then, on grounds of Christian and civic morality, other degrees could be stated within

[1] It must be remembered that natural law is always treated by moral theologians as of Divine origin.

which marriage is forbidden by the Church. It would then be clear that in theory dispensation could be given for these if it seemed good to the proper authority. (Of course, such dispensation would never in practice be given for any marriage disallowed by the State on moral grounds.) The only question which would then arise would be whether such impediments were diriment, or merely impedient. There does not seem to be any reason *in the nature of things* why purely ecclesiastical impediments should be diriment: yet it is almost impossible to conceive of a situation where a whole class of marriages was null and void by the law of the State on moral grounds, and yet acknowledged by the Church, in spite of the fact that they involved her censure. It would probably be wisest to follow the Latin canon law in treating all such marriages, if contracted without dispensation, as null and void. If it were acknowledged that the prohibition was ecclesiastical and civil but not natural or directly Divine, it would still be possible either to grant dispensations for such marriages or to validate them afterwards, if they were contracted without dispensation. This would allow for the case of marriage, *e.g.*, with a deceased wife's sister.[1] The fact that the Church pronounced such a marriage void if entered into without dispensation would be enough to exhibit her detestation of it; but she would be relieved of the odious necessity of decreeing possibly lifelong excommunication for an offence which some theologians would consider purely ecclesiastical.

But it remains true that such marriages as these are

[1] It would not, of course, follow that such dispensations ought to be given automatically to all who ask for them.

most offensive to the mind of the Church, for a very good reason, and one which is closely connected with the teaching of our Lord. A man and his wife are "one flesh." If this implies, as our Lord plainly teaches, the indissolubility of marriage, it also seems to imply, in accordance with scriptural principles, the equivalence of consanguinity and affinity. The Church is doing no more than "dotting the i's" of acknowledged principles when she forbids the marriage of *affines*. If it be right, as it surely is, to treat a wife's sister, *e.g.*, as a near relative, it must be remembered that it is repugnant to the moral sense that near relatives should be marriageable. As Dr. Lowther Clarke says in *Liturgy and Worship*,[1] "A general relaxation of the prohibitions" of Parker's Table "would have a disastrous effect on the purity and delicacy of family life"; but, he adds in a footnote: "Little attention has been given by Anglicans to the problem of dispensations, which would seem to be a necessary accompaniment of a rigid marriage code."

If occasional dispensation were to be admitted, a very serious question would arise as to its administration. In the Latin canon law all matters of matrimonial dispensations repose ultimately on the authority of the Pope, though he gives faculties to Diocesan bishops to grant those which are most often in request. This restriction depends on the theory that the Pope, and only the Pope, can dispense from the laws of the universal Church. If Anglicans are to have the possibility of dispensation, it must imply either (1) that this particular prohibition is not the law of the universal Church, or (2) that in the present state of the

[1] P. 471.

Church it is impossible to find an ecumenical authority, and that therefore, subject to revision, a local Church may give her bishops authority to dispense from universally accepted disciplinary standards. In either case nothing could be done until the English canon was altered. If that were to happen, it would be desirable that definite principles should be laid down by Convocation to regulate the issue of dispensations. It is far too serious a matter to be left to the unfettered common sense of individual ordinaries.

B.—The Prohibition of Solemn Nuptials during Certain Seasons

It seems to be contrary to natural piety and a sense of decorum to hold weddings, with all that they imply of distraction and secular rejoicing, at seasons when all good Christians are expected to devote themselves to the special contemplation of the mysteries of the faith, especially when that contemplation has a penitential character.

Until the time of the Council of Trent local ecclesiastical regulations varied very greatly. The Tridentine legislation reduced the *tempus clausum* during which marriages were not to be solemnized, and made it clear that it was only the solemn celebration of matrimony which was to be forbidden. The rule henceforth was that solemn nuptials were prohibited from the beginning of Advent until Epiphany inclusive, and from Ash Wednesday till the octave of Easter inclusive.[1] Before the decisions of the Council, marriages, or at least solemn marriages, were

[1] Sess. xxiv., xii., 10.

forbidden in some countries, including England, from Advent until the octave day of the Epiphany exclusive; the *tempus clausum* began again at Septuagesima, and a further prohibited period was from Rogation Sunday till the end of the week of Pentecost.

The meaning of *nuptiarum solemnitates* in the Tridentine decree is: (1) The nuptial blessing of the bride during the actual course of the votive Mass; (2) the solemn and public introduction of the bride into the bridegroom's house; (3) banquets and tokens of worldly joy.[1] It does not forbid a quiet wedding, but, presumably in token of disapproval, refuses the full official benediction of it.

In practice, however, weddings in Advent and Lent have been frowned upon, and have never been usual among good Catholics. In some dioceses of the Latin obedience, indeed, they have been actually forbidden until quite recent times. The post-Tridentine forms of the Precepts of the Church seem always to speak of "marrying," or "contracting," or "celebrating marriage," not of "solemnizing." This applies even to the list in Pius X.'s Catechism.

The rule of the modern Codex is as follows:

1. Marriage can be contracted at any time of year.

2. The solemn benediction of marriage is to be forbidden from the first Sunday in Advent until Christmas Day inclusive, and from Ash Wednesday to Easter Sunday inclusive.

3. The Ordinary may give permission for this benediction even during the *tempus clausum* for any good reason, warning the bridal pair against excessive display.[2]

[1] Scavini, *op. cit.*, XII. III. i. 2. [2] *C.I.C.* 1108.

It will be remembered that the Orthodox Confession[1] forbids marriage during prohibited seasons.

For Anglicans it must be presumed that, strictly speaking, the ancient English canon law is still in force, and that solemn marriages are forbidden during the whole of the long *tempus clausum* referred to on p. 111. But a difficulty arises from the fact that the Anglican rite has transferred the blessing of the nuptials from the Mass to the pre-liturgical portion of the service. It might, perhaps, be maintained that this was an abolition of the "solemnity," and that the Anglican rite simply consists of the contract with some prayers added thereto. In that case the question might still be raised whether the pre-Reformation English canon law allowed even the contract to take place during the *tempus clausum*. On the other hand, it might seem that *all* marriages according to the Anglican rites are "solemn." In that case, presumably, any marriage during this period requires a dispensation from the bishop.[2]

In practice it seems probable that if it has been found that Romanists, who are so much more accustomed to discipline, cannot be expected to observe the milder regulations of the Council of Trent, Anglicans are unlikely to be more docile. Dispensations which are given as a matter of course are mere waste of time. It seems to be a case where Convocation ought to pass a canon, if it could obtain licence to do so, modifying the almost obsolete discipline, substituting something milder, and assigning a power of dispensation to the

[1] P. 18.

[2] This was the late Dr. Lacey's view. See *A Handbook of Church Law*, pp. 236, 237.

parish priest. (It is hardly likely that the bishops would prove hungry for this type of jurisdiction.) Pending this, whatever the strict canonists might say, it looks as though individual bishops might well issue instructions to parish priests as to the adaptation of the ancient discipline to modern conditions.

It remains true that devout persons will always rightly shrink from choosing a holy season for entering on marriage, supposing that they are free to choose. But it must be remembered that all the public holidays but one fall within the ancient *tempus clausum*. Many busy workers cannot afford to take an extra day's holiday for their wedding; and it would not always be reasonable to urge them to postpone it until the August Bank Holiday or to their annual summer vacation.

CHAPTER VII

THE MAINTENANCE OF THE CHURCH AND THE MINISTRY

It is perhaps doubtful whether this should appear in a list of the Precepts of the Church. That the labourer is worthy of his hire[1] is clearly a principle laid down by Divine authority, but there is little attempt on the part of the Church to-day to make compulsory levies of definite amounts upon individuals.[2] In England tithe is still paid, and many of the parish priests in country places depend on it very largely for their maintenance. But such payments are hardly ever thought of as a religious duty. They are a legal burden on the land, and in some cases are not paid to the Church at all, but to other tithe owners who have become possessed of ecclesiastical property. But, as we have seen,[3] the payment of tithes "according to usage" appeared in Pius X.'s list of Precepts, and an equivalent Precept "to contribute to the support of our pastors" has been accepted by English-speaking Roman Catholics.

The list put forth by the Anglo Catholic Congress Committee also includes as a Precept "to give regularly

[1] St. Luke x. 7.

[2] A Parochial Church Council is allowed, under the provisions of the Parochial Church Councils (Powers) Measure, 1921, to levy a voluntary church rate.

[3] P. 16.

to the support of the Church and the Ministry." The only question that arises is whether this really goes any further in the direction of precision than the Divine Law itself.

Such lack of precision was equally characteristic of the primitive Church. It is impossible to suppose that the Apostles claimed any definite sum, still less any definite proportion, of the income of their converts for their own support. The general principle "that they that preach the gospel should live of the gospel," cited by St. Paul as a Divine command, is all that can be indicated.

The *Didache* seems to refer to the payment of first-fruits as a duty;[1] but the general tone of the primitive Church is a free and generous liberality. So St. Irenæus; Christians, he says, as opposed to the Jews, "set aside *all* their possessions for the Lord's purposes."[2] So also Origen,[3] to whom the idea of a tithe seems altogether insufficient. St. Cyprian, it is true, suggests that the clergy are supported by something corresponding to the Jewish tithes, but he is clearly speaking metaphorically: *tanquam decimæ* is his expression.[4] In the *De Unitate Catholicæ Ecclesiæ* he laments that the faithful no longer give *even* the tithe of their possessions, contrasting such niggardliness with the generosity of the Apostolic age.[5] During this period the faithful made their offerings either by putting them into a chest kept for the purpose in church, or by bringing offerings in kind, or afterwards in money, and presenting them at the offertory. All were ex-

[1] C. 13.
[2] *Adv. Hær* IV. xviii. 2.
[3] In *Num. Hom.* xi. 1.
[4] *Ep.* i. 9.
[5] C. 26.

pected to contribute, but there is no evidence of any particular amount being demanded.[1]

The fourth century is, as so often, the period of change. In the *Apostolic Constitutions* the offering of tithes and firstfruits is treated as a matter of obedience to the command of God.[2] The bishop is exhorted to use such offerings in part for the relief of the poor. Apart from this, there seems no evidence that the duty of giving tithes was ever recognized in the East.

The first actual legislation of which there is any evidence is that passed by the Council of Mâcon in 585: but it is noteworthy that that Council conceived itself not to be enacting a new obligation, but enforcing an old one. Here at all events we do seem to have a genuine "precept of the Church," within the terms of our definition. The general duty of maintaining the ministry is particularized as a specific duty of paying tithes. Yet even here it looks as though the Council believed itself to be simply enforcing the Divine Law of tithe, as set forth in the Old Testament, and supposed erroneously that the primitive Church had considered itself bound by this law.[3] In Western Europe during the eighth and ninth centuries the civil power intervened and attempted, though not always with great success, to enforce payment.[4]

In England the same process was at work, though at a somewhat later period in each case. The ecclesiastical duty of tithe-paying was laid down at the behest

[1] Dimont in *Encyclopedia of Religion and Ethics*, *s.v.* "Charity."
[2] C. xxv.
[3] Canon 5. Maassen, *Concilia Ævi Merovingici*, pp. 166, 167; quoted by Villien, *op. cit.*
[4] See Villien, *op. cit.*, pp. 331-345.

of Pope Adrian I. by a Council held at Colchester in 787. The enforcement by the civil power followed under Athelstane and Edgar in the tenth century. The peculiarity of the English system was that tithe was collected by the parish priest direct, rather than by the bishop. St. Edmund of Canterbury actually gave the priest authority to excommunicate for notorious non-payment of tithe which was confessedly due.[1]

Since the twelfth century the successful exaction of tithe has continuously diminished, until, at the present time, the British Isles are probably the only quarter in which they are still collected at all; and here, as we have seen, they are now looked on as a purely civil obligation. But in its more general form as a statement of the duty of maintaining the Church and ministry, as distinguished from the succour of the needy, it is safe to say that there are few precepts more vigorously or more constantly urged upon the faithful. Some would maintain that it is a duty to devote at least a tenth of one's income voluntarily to the support of good works. This tenth would include the sums spent on pure almsgiving as well as those devoted to the upkeep of the Church and ministry. Others would say that much of what was formerly maintained by voluntary expenditure is now exacted by the State in the form of rates and taxes, and that therefore that part of these imposts which is expended on social services may be taken as a partial fulfilment of our conscientious obligations in the matter. Others, again, maintain, with some justice, that no arithmetical assignment of a fixed portion of all incomes can really

[1] *Const. provinciales S. Edmundi*, c. xl.; quoted by Villien, *op. cit.*

meet the facts of the case. Incomes are not in fact proportioned to needs: some ought to give much more than a tenth, and some much less. But it would be generally acknowledged, at least in theory, that over and above the duties of ordinary charity (the provision of hospitals and the like) it is the duty of the faithful to see that the clergy should be provided with sufficient income to enable them to devote themselves to the duties of their calling without distraction, and that the services of the Church should be paid for by the offerings of those who take advantage of them. The principal complication is formed by the unequal distribution of material wealth in different parishes and even in different dioceses. Apart from this the obligation could be presented as a mere matter of honesty; for it seems as obvious that those who use a church should maintain it, as that those who go to a theatre should pay for their tickets. But, of course, it is not as simple as that. No one would really hold that only those should go to church who can afford to do so; and it is clear that it is the duty of the wealthier members of the Church by the generosity of their offerings to make its services available for their poorer brethren. Hence all the complicated systems of free-will offerings, "Duplex," parochial and diocesan apportionments, and the like. It is all very tiresome, and to the layman it often seems as though business and charity were being hopelessly confused. There is, indeed, a real danger of such methods proving destructive to the true spirit of charity and almsgiving. It must always be pointed out that they are no more than a recognition of the principle that we are members one of another. The "business" of "running" the

Church must never be allowed to obscure the charitable principle that we are not merely seeking our own spiritual advantage or delight, but that we wish that advantage and delight to be as freely as possible at the disposal of all who value them, or can be led to do so.

CONCLUSION

THE Englishman likes authority, but hates being ordered about. It is this craving for authority which prompts so many to " go over to Rome ": but the number might be far greater if it were not for the fear that the Papal system is something very like a spiritual dictatorship. The object of this volume is to show by an historical study that the Catholic discipline has a wider basis than *sic volo, sic jubeo*. It really does represent the mind of the whole Church, and Anglicans, if they will but take seriously their own claim to be Catholics, are by no means deprived of that support to their own feebleness and that restraint to their own waywardness which is summed up in the word Law. We do well to be afraid of legalism: yet a book on Church law must be legalistic. If the question What am I obliged to do? is legitimate at all, the answer also must be legitimate; and if the answer is to be universally applicable, it must take the form of enunciating a *law*.

The danger is that some may think that this law is the sum of Christian duty and the sure way of salvation. To think in this way would be to misapprehend Christianity altogether. The Christian way of salvation consists, subjectively, in surrender to a Person, and issues in a gradual growth towards perfection. The object of a law is to form a scaffolding by means of which the Christian character may be built up. This is equally true of private rules of life

and of that universal or Catholic rule which we call the Precepts of the Church. As regards the latter, we have seen that it consists in certain *applications* of the Divine Law. We must worship, we must receive the Sacraments, we must restrain our passions. Further, because the Divine Law of worship and Sacrament requires the existence of the pastoral office, we must do our part in maintaining it. So also in regard to marriage: if marriage is of Divine institution, and if Christian marriage is even a Sacrament, it is clear that no unseemliness must be allowed to attach to it.

The Precepts of the Church give precision to what would otherwise be insufficiently defined. " The Bible bids us fast: the Church says Now." The Precepts give us the Here and Now of Christian obligation. In all this there is nothing legalistic in any bad sense. We do not assert that the Christian life consists in obedience to the Precepts, but that if we do not obey them we are to some extent blocking the channels of that life. No doubt it is only those who accept Catholic authority who will bind themselves under this particular rule of life: but all Christians must recognize *some* kind of minimum obligation without which the Christian life, as they conceive it, cannot be lived. It would be tempting to suggest an " Evangelical Rule of Life," laying down the necessity of, *inter alia*, a definite minimum of Bible reading. The " Oxford Groups," again, have their own distinctive Precepts, the " Quiet Time," " Sharing," and the like. So the Christian life, according to the Catholic conception of it, cannot be lived without regular weekly attendance at Mass, without reception of Holy Communion, without absolution for mortal sin, without some degree of leisure for the consideration of the things

of God, without the discipline of bodily mortification, without almsgiving for the purposes of religion. How vast would be the difference in the spiritual life of Anglican churchmen, if we could persuade them as a body to build their spiritual life upon a rule which made due provision for all these things !

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